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Cabinet Histories of the States.

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PENNSYLVANIA.

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THE  
HISTORY OF PENNSYLVANIA

FROM ITS

Earliest Settlement to the Present Time.

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EDITED BY

W. H. CARPENTER,

AND

T. S. ARTHUR.

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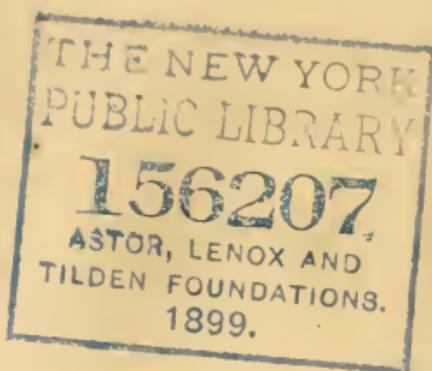
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## PUBLISHERS' PREFACE.

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THERE are but few persons in this country who have not, at some time or other, felt the want of an accurate, well written, concise, yet clear and reliable history of their own or some other state.

The want here indicated is now about being supplied; and, as the task of doing so is no light or superficial one, the publishers have given into the hands of the two gentlemen whose names appear in the title-page, the work of preparing a series of CABINET HISTORIES, embracing a volume for each state in the Union. Of their ability to perform this well, we need not speak. They are no strangers in the literary world. What they undertake the public may rest assured will be performed thoroughly; and that no sectarian, sectional, or party feelings will bias their judgment, or lead them to violate the integrity of history.

The importance of a series of state histories like those now commenced, can scarcely be estimated. Being condensed as carefully as accuracy and interest of narrative will permit, the size and price of the volumes will bring them within the reach of every family in the country, thus making them home-reading books for old and young. Each individual will,

in consequence, become familiar, not only with the history of his own state, but with that of other states:—thus mutual interest will be re-awakened, and old bonds cemented in a firmer union.

In this series of CABINET HISTORIES, the authors, while presenting a concise but accurate narrative of the domestic policy of each state, will give greater prominence to the personal history of the people. The dangers which continually hovered around the early colonists; the stirring romance of a life passed fearlessly amid peril; the incidents of border warfare; the adventures of hardy pioneers; the keen watchfulness, the subtle surprise, the ruthless attack, and prompt retaliation—all these having had an important influence upon the formation of the American character, are to be freely recorded. While the progressive development of the citizens of each individual state from the rough forest-life of the earlier day to the polished condition of the present, will exhibit a picture of national expansion as instructing as it is interesting.

The size and style of the series will be uniform with the present volume. The authors, who have been for some time collecting and arranging materials, will furnish the succeeding volumes as rapidly as their careful preparation will warrant.

## PREFACE.

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THE older histories of Pennsylvania are usually considered obnoxious to the double charge of prolixity and dulness; grave faults, which it is believed will be found to have been avoided in the present volume. The quiet and subdued character of the first settlers, their pacific doctrines, their conscientious adherence to treaty stipulations, and unvarying kindness to their Indian neighbours, leave their annals rarely marked by stories of war and bloodshed.

But the history of Pennsylvania is not without its own peculiar interest. The mild, sagacious, and statesmanlike character of Penn, its founder; the disputes of the assembly with the various proprietary governors; and, above all, the solution of the grand moral problem of a

State founded without violence, and growing rapidly in wealth and population without exciting the jealousy of the aborigines, are lessons in morals and policy which may be profitably studied even at the present day.

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# HISTORY OF PENNSYLVANIA.

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## CHAPTER I.

William Penn—His parentage—His birth—Circumstances of his youth—Politics and polemics—William Penn at Chigwell—His early religious impressions—He is entered at Oxford—Thomas Loe—Penn is expelled for nonconformity—Forbidden his father's house—Sent to make the tour of the Continent—Encounter in Paris—His reflections upon it—Reads theology with Amyrault—Returns a courtier—Enters at Lincoln's Inn—He is sent to Ireland—He desires a military command—His father refuses to gratify him—Correspondence on the subject—Penn takes charge of his father's estates, near Cork—Thomas Loe again—Penn joins the Society of Friends—Is imprisoned with others—Discharged by the President of Munster—Recalled to London—Difference with his father—Imprisoned for heresy—First imprisonment in Newgate—Second imprisonment in Newgate—Death of Admiral Penn—Penn becomes a trustee for one of the proprietors of New Jersey—Review of his youth.

THE first chapter in the history of Pennsylvania is the life of William Penn. Though so recent an historical character, yet it is remarkable that the circumstances of his life are not familiar. He holds a position in the popular mind indefinitely great, yet little understood.

His personal character challenges respect. The anomalies of his proprietary government have exposed him to mistake, and, in some cases, to uncharitable animadversion. A calmly written and unprejudiced history of Pennsylvania is William Penn's best biography. The reader of such a history will rise from the perusal with definite ideas of the great services the "Quaker sovereign" has rendered to humanity. A dispassionate review of his life, and of the history of his colony, alone can save him from the great injustice which he has suffered from the resultant effects of overpraise.

William Penn was born to wealth and distinguished rank; advantages to which, in his youth, he does not appear to have been insensible, and which his characteristic prudence forbade that he should ever entirely lose sight of. His father was Sir William Penn, an English naval officer of high reputation, won in constant and active service. His life was a series of successes. He defended the naval honour of the Commonwealth under Cromwell, was promoted under the Protectorate, and knighted at the Restoration. The son of a naval captain, at one-and-twenty he was appointed captain; at twenty-three, Rear-Admiral of Ireland; at twenty-five, Vice-Admiral; at twenty-nine, Admiral to the Straits; and at thirty-one, Vice-Admiral of England.

The birth of William Penn took place on the 14th day of October, 1644, in the parish of St. Catharine's, Tower Hill, London. His father was early married; and Penn's birth taking place about the time of his first promotion, as the lad increased in years, his young ears were filled with the eclat of his father's advancement in honour. Under all the circumstances of his early life, we can but wonder at his successful resistance of the world's temptations. Far from being surprised at his evident hesitancy at several periods, whether to embrace preferment or deny all for his principles, we might be astonished at his final victory, were it not that the founding of a commonwealth afforded him at last the opportunity to reconcile ambition with duty; and while he innocently gratified the former, made it subservient to the higher demands of the latter. It was a compromise which has profited the world, and conferred posthumous fame on William Penn. But while he lived it only increased the mental "exercise" which made his days weary, without bringing that rest for which his soul thirsted.

The mother of William Penn was the daughter of John Jasper, of Rotterdam. Her character was another proof of the rule, that the mothers of great men are women of a superior mould. Besides the advantages which he received from her personal instructions, it is not to be ques-

tioned that her foreign extraction gave Penn some of the spirit which he afterward exhibited, of wide-world liberality. He derived thus large and generous views of men and things. He was for all men and all time. He was not a Briton, with his horizon bounded to his native isle, but carried his testimony into far lands; and desired also, in the new world, to embrace the savage children of the forest in the compact of Christian love.

William Penn grew to manhood during a period when the popular mind was distracted with religious controversy. Politics and polemics were blended; a fusion which never causes immediate good results in either, causing bitterness and fury in politics, and scandalizing religion. Fighting religionists wiped their bloody hands to open the Bible; and scoffing cavaliers, with not less inconsistency, profanely swore fealty to a religion of whose true principles they knew nothing. Christianity was passing through a fiery trial, and suffered reproach by its connection with human dynasties and popular passions. It was prostituted on the one hand to the purposes of tyranny, and polluted on the other as the rallying cry of martial zealots and infuriated destroyers of temples. Kings claimed under it the right to govern wrong, and regicide drew its sanction from the same abused source. The men of most mark were formalists and

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zealots; and moderate loyalists and national republicans were borne down, in their efforts to preserve the balance between such opposite and extreme influences. The political result was reached after three revolutions. The republic triumphed, and the king was beheaded. The loyalists were restored, and the living regicides were sacrificed, while the dead were unearched, to suffer a tardy and childish indignity. The "right divine" of kings was ignored, in the dethronement of its weak representative and the welcome of William and Mary. Consistent prelates refused to take the oath of fealty, and the extreme notions of old legitimists were buried with them. From this day, rather than from Magna Charta, do the political franchises of England date. Every effort to restore the old has resulted in a further avouchment of the true relative position of the governing and the governed. Amid these scenes of blood and of contention, "pure religion and undefiled" blushed for the zeal of her advocates "not according to knowledge." "Quakerism," born in the tumult, and in its infantile manifestations as quarrelsome as any in its own way, grew rapidly sedate, and won strength by its "sufferings." The "people called Quakers," putting forward as their distinguishing tenets those practical religious principles which the vain and bloody world had most neglected, increased apace.

They are only less now a "peculiar people," as all Christians are united with them in the essential doctrines of charity and peace, of which they were once the marked and despised defenders.

Such were the influences under which William Penn's early character was formed; and even to the end of his days, his life was shadowed by the crimes, or affected by the caprices of kings and courts. It is highly honourable to his memory, that the most searching investigations have failed to fix any greater reproach upon him than some natural weaknesses. He comes out spotless in an age when men were not over-scrupulous; and the fact that his colony impoverished him, is the best line in his epitaph.

William Penn's education commenced at a grammar school at Chigwell, in Essex; and here, in his boyhood, he gave an earnest of his future eminence, by his application and proficiency. He appears to have been, notwithstanding his parentage, a "born Friend," for he was remarkable in early youth for a well-balanced character. He was not only studious in school hours, but active and hilarious out of doors. The only son of his father—for his brother died in infancy—young Penn was entered at the age of fifteen as a gentleman-commoner at Christ Church, Oxford. He had previously enjoyed advantages commensurate with his early development of

mind and character. His peculiar religious views were early impressed upon him. His biographer, Clarkson, relates that, being alone in his chamber, at Chigwell, "he was suddenly surprised with an inward comfort, and, as he thought, an external glory in the room, which gave rise to religious emotions; during which he had the strongest convictions of the being of a God, and that the soul of man was capable of enjoying communion with him." He believed that at that moment, "the seal of divinity had been put upon him, and that he had been awakened or called to a holy life." George Fox, the founder of the Society of Friends, had at this date been a public preacher about eight years. In all the notices of Penn's childhood which we have seen, there is no record preserved of the character of his early reading. But we cannot doubt that the species of literature and intercourse which ripened, in 1662, into that remarkable and beautiful allegory, the *Pilgrim's Progress*, being the popular literature and language with a large part of the English nation, reached young Penn at Chigwell. Formalism in religion and dissoluteness in manners provoked a reaction, and William Penn was educated when dissent presented its strongest appeals to thinking minds.

At Oxford, William Penn received a positive direction in the path in which he became after-

ward distinguished. Moved by the preaching of Thomas Loe, a member of the Society of Friends, his Chigwell impressions were revived. The controversial writings of the day, to which he was soon to become a great contributor, were now his delight; while in his college course he was remarkable as a hard student, giving early evidence of ripe scholarship. In manly exercises and out-door recreations he was the peer of his young associates. With an eye to practical purposes, he read deeply in history and theology, and became a proficient in several modern languages. His favourite idea of an empire in the New World was conceived even as early as during his residence at Oxford; and the political features of his new commonwealth were probably developed by Harrington's famous "Oceana," and the numerous pamphlets which preceded and followed it. Indeed, the germs of many of our modern political institutions and practices may be traced to the theories of those old thinkers and dreamers. What they saw in visions, we have verified in action.

William Penn found young men of kindred minds, who met with him for worship, withdrawing from the regular church service. An attempt to restore the costume and other discipline of Oxford, which had fallen into disuse, provoked the active opposition of the young enthusiasts; and Penn, with others, was expelled for noncon-

formity. His father was highly indignant at this sudden close to his academic career, and by persuasions and threats endeavoured to change the purposes of his son. At length, exasperated at his firmness, he inflicted blows upon him, and forbade him the house. We are not, however, to think that the administration of personal chastisement upon a lad of seventeen indicated any enmity between the parties. The mother had no great difficulty in procuring his restoration to the house; and the admiral tried another mode of effecting what force had failed to do. He sent him to France, under the escort of some persons of rank, in whose society he trusted that his son's bias might be altered. Young Penn was presented at court, and appears to have given his father great satisfaction. Arrangements were already made for his entrance into the army. His dress at this period was that of a cavalier, and his associations such as his father desired for him. Of his aptitude as a swordsman an incident is recorded, which shows that among his accomplishments this had not been forgotten. For some offence, real or imagined—it would appear, from Penn's own allusion, a breach of courtesy—he was attacked by a gentleman in Paris. So skilfully did he defend himself, that he not only escaped unhurt, but disarmed without wounding his antagonist. Penn thus refers to the encounter, in his work en-

titled, "No Cross, No Crown:" "What envy, quarrels, and mischief have happened among private persons, upon their conceit that they have not been respected, according to their degree of quality among men, with hat, knee, or title. Suppose he had killed me, (for he made several passes at me,) or that I, in my defence, had killed him, I ask any man of understanding or conscience, if the whole round of ceremony were worth the life of a man, considering the dignity of his nature and the importance of his life, with respect to God his creator, himself, and the benefit of civil society?" A sensible question, very well put.

Cavalier though he outwardly seemed, young Penn was no idler or trifler. He improved his acquaintance with modern languages, and found time also for severer studies, themes through his whole life congenial. He spent some months at Saumur, in the society of Moses Amyrault, a Protestant divine of high reputation, and under his direction read the Christian Fathers, and pursued other theological inquiries. Thence he went to Italy, but, on reaching Turin, was recalled to England by his father. It is not to be forgotten that he made, during this tour, the acquaintance of Algernon Sidney. This acquaintance afterward ripened into intimacy, and produced no small influence upon Penn's political views.

Returned from abroad, his father was so much delighted with his appearance and manners, that he caused him to be presented to the king, and promoted his intercourse with the circle which, least of all, could revive or foster his slumbering attachment to the "people called Quakers." Accomplished and elegant, travelled and learned, competent to converse, and able also (a rare gift) to trifle gracefully, Penn made in the polite world what would now be termed a "sensation." He wrote songs for the ladies, and is noticed by a contemporary as a "most modish fine gentleman." But we are not for a moment to suppose that the purity of his morals yielded before temptation. Perhaps he was the more a phenomenon that, amid the dissoluteness which fashion defended, William Penn remained pure.

His father, who seems at last to have learned his character, now discerned that nothing but providing other mental occupation could secure his son from his serious affinities and tendencies. William Penn was entered a student at Lincoln's Inn, that he might acquire such a knowledge of the laws and constitution of the kingdom, as should be the qualification of every man whose position gives him influence, and whose leisure permits study. Admiral Penn was for a season absent on a naval expedition. He returned, elated with his victory over Opdam,

to find the son again inclined to the course and opinions from which, though for a time diverted, he could not be turned. The breaking out of the plague interrupted his residence in London, and the scenes of horror which he witnessed awakened the serious thoughts which his conscience had rebuked him for suppressing. His father saw the danger, and sent him to Ireland, to the vice-regal court of the Duke of Ormond, then Lord-Lieutenant. The duke had a high regard and personal friendship for Admiral Penn. This alone would have procured him distinction, the favour of the lord-lieutenant, in his court, being as absolute a recommendation as the honour of a king in a larger sphere. Here again William Penn was a phenomenon. At this period was painted the only portrait of the founder of Pennsylvania ever taken from the life. Among all the cavaliers there are few so beautiful. There is a look of placid firmness in the face, strength and gentleness blended, which readily incline us to believe that such a young man was a favourite with high-born dames and gallant cavaliers. He is clothed in the armour of the times, and the picture presents a singular contrast to the popular portraits. A copy of the painting is in the possession of the Historical Society of Pennsylvania, a present from his descendant, Granville Penn.

Now came the real turning-point in the life of

William Penn. In 1666 a mutiny took place among the soldiers in the garrison at Carrickfergus. The Lord of Arran, second son of the Duke of Ormond, was sent to suppress it. Young Penn accompanied him as a volunteer. Such was the coolness and courage which the future apostle of peace displayed in the siege of the castle, that his commander, and other officers, and the Duke of Ormond, were anxious that young Penn should have a commission, and his own desires accorded with their wishes. His father, Admiral Penn, held the captaincy of a company of foot, at Carrickfergus—probably a sinecure, and certainly not a post to which a naval officer could devote any great attention. Ormond wrote a letter to the admiral, in which he says: “Remembering that you formerly made a motion for the giving up of your company of foot here to your son, and observing his forwardness on the occasion of his repressing the late mutiny among the soldiers in this garrison, I have thought fit to let you know that I am willing to place the command of that company in him, and desire you to send a resignation to that purpose.”

The admiral, for what reason does not appear, did not immediately answer this letter, and never acceded to the request. The above letter was written on the 29th of May. On the 4th of July, following, we find William Penn

writing to his father. In this, the young man recounts all the facts relative to the desired appointment. We give the letter entire, as a pleasant specimen of the respectful pertinacity with which a son prefers a request which he fears may not be granted:—

“HONOURABLE SIR: When I was at Carrickfergus, with my Lord Arran, Sir George Lane, in my Lord Dunagle’s house, called me aside, and told me the character my Lord Arran had pleased to give his [Lord Arran’s] father, obliged him [the Duke of Ormond] to write you a letter on my behalf, which was to surrender your government and fort. My lord-lieutenant himself, before a very great company, was pleased to call me to him, and asked whether you had not done it, and why? I answered, that you had once intended it, and that his lordship had promised to favour his request. To assure you of my lord’s design, I saw the letter under his own hand, but am to seek whether Sir George Lane sent it or no, which I am to ask of yourself; my lord-lieutenant telling me sometimes he wondered you never answered his letter. I excused it by the remoteness of your present residence from London. If there be any under dealing, it is the secretary’s fault, not my lord’s. However, sir, I humbly conceive it may be necessary you take notice of my lord’s kindness in a letter by the

very first, since he has asked whether you had writ me any thing in reference to it.

“I beseech your answer to this, as also, if you please, an acknowledgment of my Lord Arran’s great and daily kindness. I wish, sir, you may have respite from your troubles, and some refreshments from your continual toils, (we supposing the fleet to be near out.”)

This letter brought a reply which would almost seem to indicate that the father and son had changed characters: “SON WILLIAM: I have received two or three letters from you since I wrote any to you. Besides my former advice I can say nothing, but advise to sobriety, and all those things which will speak you a Christian and a gentleman, which prudence may make to have the best consistency. As to the tender made by his grace the lord-lieutenant, concerning the fort at Kinsale, I wish your youthful desires mayn’t outrun your discretion. His grace may for a time dispense with my absence—yours he will not, for so he told me. God bless, direct, and protect you.”

Sir William wished his son to attend to his estates near Cork; and it appears that this was one reason, if not the chief, why he declined resigning to open for him the military appointment. To these estates, by his father’s request, young Penn repaired, and proved himself the exact and faithful man of business. He had

the entire management of a large landed property, an occupation which fell in with his benevolent feelings; for in his gentle rule over the tenantry, he could promote their welfare, and serve his father's interests. But here, when least expected, particularly since he had so lately inclined to a military command, the young man's Oxford experience was revived. While on a visit to Cork, he heard that his old friend, Thomas Loe, was to preach in the "Friends' Meeting." Curiosity made William one of his hearers. He was desirous to perceive what impression would now be made upon his mind, by the preacher who had so deeply affected him at Oxford, as to lead him to acts of non-conformity, and array his conscience against his interest. He had, moreover, a respect for Thomas Loe, and a friendship which in his subsequent writings he more than once declared.

The experiment resulted in consequences which we are led to infer were farthest from the thoughts of the young courtier. Thomas Loe discoursed of faith—the true, which overcomes the world, and the spurious which is overcome. Penn's conscience smote him. "It was at this time," he says, "that the Lord visited me with a certain sound and testimony of his Eternal Word, through one of those the world called Quakers, namely, Thomas Loe." Penn's character was fixed. His name was written henceforth among

the people with whose history it is now identified. He was an honour to the vocation he had chosen, and addressed himself without more hesitation, to bear "that great cross of resisting and watching against his own inward vain affections and thoughts."

Security against any more retreating from his now well-considered purpose was soon presented. Persecution for conscience' sake is the confirmation of men and bodies of men in their opinions, and William Penn was soon enabled to "give testimony through sufferings." He was arrested with others, in Cork, being present at a meeting of the "Friends," and being tendered a release upon giving bonds for his good behaviour, declined any such admission that his conduct had been otherwise. He was sent to prison, but released unconditionally, upon his application by letter to the Lord President of Munster. It is noticeable that in this letter, which ably argues against the legality of his arrest, and consequently pleads for universal toleration, William Penn preserves the customary forms of address and etiquette.

The rumour now soon gained currency in England that "young Penn had become a Quaker again, or some such melancholy thing," and his father summoned him home. The admiral endeavoured to overcome his son's determination, and offered as a compromise that the now avow-

ed Quaker should uncover in the presence of the king, the Duke of York, and himself. William Penn took time to consider, and declined to make the compromise. His father forbade him the house, and the young man lived upon an allowance privately conveyed to him by his mother. He now openly adhered to the persecuted sect, and became one of the most industrious of their preachers and pamphleteers. He was arrested on a charge of heresy, published in a pamphlet controversy with a Presbyterian clergyman, and committed to the Tower. He was nine months in prison, almost his only visitors being his own father and Dr. Stillingfleet. Of the latter, Penn says: "I am glad to own publicly the great pains he took, and humanity he showed; and that to his moderation, learning, and kindness I will ever hold myself obliged." The prosecution was moved by the Bishop of London. Dr. Stillingfleet, afterward Bishop of Worcester, was a man of more tolerant spirit, and merited all that Penn has so courteously said of him. This is not the place to define theological differences. It is sufficient to say of the alleged "heresy," that in a pamphlet published by Penn, during his residence in the Tower, he showed that his language had been misunderstood. It was a dispute rather about the terms in which truth should be stated, than about the vital truths of Christianity. Soon after the publica-

tion of the pamphlet he was discharged from the Tower, his father's influence with the Duke of York having interested that nobleman in his cause. The imprisonment in the Tower appears to have reconciled his father, and to have procured the admiral's high respect for a son who could so manfully contend for his principles. William Penn again returned to Ireland, to take charge of the family estates, and actively interested himself in the cause which he had espoused. Returning to England, he was once more arrested, in September, 1670, under the "Conventicle Act." He defended himself skilfully before the Old Bailey Sessions, and the jury refusing to convict, after being absent three days, returned with a verdict of "Not Guilty." The court, in an undignified passion, fined jurors and defendants "forty marks a man" for contempt of court, and committed them to Newgate until paid. William Penn's father caused his fine to be discharged, and summoned him to his bedside to receive his dying blessing.

The trial, to which our limits permit us only briefly to refer, was an important one, as leading to a more just appreciation of the rights of jurors and of defendants. Again, in the same year, he was arrested; and as he had shown himself, on a former occasion, too well acquainted with the law to be corrected under it, the aim of his persecutors was at this time reached by ten-

dering him the oath of allegiance. This he refused to take, not that he refused to acknowledge his allegiance, but because to take an oath was against his principles. He was sent to Newgate for six months, and occupied himself as usual with controversial writings and appeals to the authorities. The next ten years of his life were spent in active employment. He visited the continent with George Fox and Robert Barclay; he preached in various parts of England and Ireland; he memorialized Parliament in behalf of the Quakers; and appeared before a committee of the House of Commons to support his petition, that the word of a Friend might be taken instead of his oath, under the penalties of perjury. In many other modes, as he gained years and experience, he was perfecting himself for what he called the "Holy Experiment," namely, the foundation of a government in which perfect toleration should prevent religious persecution, and well-defined civil rights secure to all men equality.

Not the least useful part of his experience was the arrangement of the affairs of John Fenwicke and Edward Byllinge—both members of the Society of Friends. They were proprietors with Sir George Carteret of the colony of New Jersey; Sir George owning the undivided half of the province. The two Friends had a business difference, which William Penn was called upon

as arbitrator to adjust. Byllinge becoming embarrassed, Penn, with others, was named his trustee. The trustees having arranged a partition of the colony with Sir George Carteret, West New Jersey was largely peopled with the members of the society; and William Penn obtaining practical experience in the settlement of new colonies, had his thoughts turned anew to the pleasant dream of his youth—the establishment of a people with full liberty of conscience and equality of rights.

Such was the early education of “The Founder.” Taught practically the value of religious liberty by persecution, and of civil liberty by the anarchy to which his early years were witness, and experiencing in his own life the incongruity of the union of Church and State, he had large desires for the realization of the possibility of escaping these evils under a new order of society. His tendency to theorize was balanced by a various and practical education. A courtier by position; a theologian by taste, improved by good instruction under the direction of Amyralt; the friend of Locke and Algernon Sidney; a good student of the laws of his country; a traveller over the principal countries of Europe; an able manager of estates and of colonies; an acute observer of human nature; a man of sincerity, philanthropy, and piety, and yet, so far as conscience would permit, a man of

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skilful expedients, WILLIAM PENN possessed high requisites for the labour he undertook. Like other philanthropists, however, he accomplished more for the world than for himself. It is the penalty of those who win for others to lose for themselves.

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## CHAPTER II.

Penn's position at the court of Charles II.—His personal relations with all shades of faith and politics—Algernon Sidney—The royal grant of a province to William Penn—Abstract of the charter—Its resemblance to that of Maryland—Nature of Penn's tenure—Character of his powers—Mistake in his terms of sale—His estimate of the grant—Philanthropic motives—Markham sent to America—King's proclamation, and Penn's letter to the inhabitants of his province—Lands offered for sale—Terms—Penn's conditions with purchasers—Commissioners sent over—Their instructions—Site of a town—Letter of Penn to the Indians—Penn refuses to sell a monopoly—Notice of the Society of Free Traders—Their city property—Society Hill.

ON his death-bed Admiral Penn secured the interest of the Duke of York for his son William. Both of the royal brothers appear to have entertained a high respect for Admiral Penn, and were ready to promise any thing which he desired. And they could the easier keep their pledge to William Penn, since what the young man desired neither impoverished the exchequer

nor interfered with government patronage. He was the suitor neither for place nor pension for himself or his friends. The favours he asked were in behalf of the great principle of tolerance, and freedom of thought and of worship; and his plea availed the more that the inclination of Charles and James to the Latin church put them also in the position of pleaders for tolerance. What they granted to William Penn in behalf of Quakers and other Protestant dissenters, had a beneficial tendency toward the disfranchised members of the Roman communion; and Penn thus became liable to the charge of being a Jesuit. We need not say now how unfounded was this allegation, though it was made a contemporary means of no small annoyance to him. The Duke of Ormond, whose friendship to young Penn we have had occasion to notice, the Earl of Orrery, who released him from prison at Cork, Lord Arran, and others of Penn's friends, were also adherents of Rome. But, on the other hand, Tillotson and Stillingfleet, and other eminent men in the Church of England, and several of the leading Protestant dissenters, knew and loved the man. In his personal intercourse he stood in friendly relations with whigs, tories, and republicans; though his political sympathies, when it was necessary to avow them, identified him with the latter party. He earnestly acted in behalf of Algernon Sidney, in that gentleman's

abortive attempts to be returned to Parliament. He spared neither his purse nor his personal influence; he paid and pamphleteered in behalf of his friend. The result was the return of Sidney twice by the suffrages of the electors; but neither the modes of nullifying a popular election nor the audacity to put them in practice, were wanting on that day, and Sidney was refused his seat. Living monuments of the friendship of Penn and Sidney abound in some districts of Pennsylvania, where the name of the latter, first given to children out of respect to the martyr in the cause of popular rights, has been "re-given" to generation after generation, and is indiscriminately conferred upon male and female.

Penn's interest at court procured him in 1681 the grant of the tract of land in America, now known as the State of Pennsylvania. Penn inherited from his father a demand of sixteen thousand pounds, in part arrears of pay, and in part money advanced; and the patent to William Penn cancelled this debt. After the necessary canvassings of rival claims, and the careful consideration of provisions, that the grant might not interfere with others, the patent of Penn received the royal signature on the 4th day of March, 1681. Penn writes to a friend on the 5th:—"This day my country was confirmed to me, under the great seal of England, with large powers and privileges, by the name of Pennsylv-

vania, a name the king would give it, in honour of my father. \* \* \* It is a clear and just thing, and my God that has given it to me through many difficulties, will, I believe, bless it, and make it the seed of a nation." The charter is said to have been drafted by Penn himself, after the charter of Maryland, and was revised by the crown officers, who made some amendments. What these amendments were, do not appear. But there are two important variations from the Maryland charter, which may readily be inferred not to have originated with Penn. One of these reserves to Parliament the power to levy taxes and generally to legislate for the country; and the other requires a copy of the colonial laws to be sent to England for the approbation of the Privy Council. The rest of the charter is in harmony with the charter of Maryland, even to the clause securing to the Bishop of London the appointment of a clergyman to reside in the province, upon the request of twenty inhabitants. The Bishop of London had, *ex-officio*, the ecclesiastical control of the colonies. Maryland was granted to patentees who were of the Roman church—as much dissenters in England as the Friends were; and though Penn's principles and practice made such a provision unnecessary, yet to admit it in adopting the rest would have seemed invidious.

The preamble of the charter recites, as the

reason of the grant, the commendable desire of William Penn to enlarge the boundaries of the British empire by procuring commodities of trade, and to reduce the savage natives by just and gentle manners. And the merits of Admiral Penn were not forgotten in the enumeration of the motives which led to the royal grant. The boundaries defined by the charter were as follows: "On the east by Delaware River, from twelve miles distance northwards of New Castle town, unto the three and fortieth degree of northern latitude, if the said river doth extend so far northward; but if the said river shall not extend so far northward, then by the said river so far as it doth extend; and from the head of the said river the eastern bounds are to be determined by a meridian line, to be drawn from the head of the said river unto the said forty-third degree. The said land to extend westward five degrees in longitude, to be computed from the eastern bounds; and the said lands to be bounded on the north by the three and fortieth degree of northern latitude, and on the south by a circle at twelve miles distance from New Castle, northward and westward unto the beginning of the fortieth degree of northern latitude, and then by a straight line westward to the limits of longitude above mentioned."

The free use of the province, and all its incidents and products, and the fee of the soil, was

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granted to Penn in "free and common socage, by fealty only, for all services, and not *in capite* or knight service." This word "socage," derived from the Saxon "soke," a plough, is used to denote any tenure not military or quasi-military, but based on an annual rent. In Penn's charter this rent was fixed at two beaver skins annually, and one-fifth of any gold or silver ore which might be found in the province. Thus his tenure was a feudal one, though divested of burdensome feudal usages, for he was empowered by a special clause of his charter to sell or lease on any terms he chose, granting fee-simple or any other terms; whereas the English law, without this proviso, would have compelled him to lease to his sub-tenants in the same form by which he held of the king. In the contingency of leaving no heirs, the "seignory of Pennsylvania," one of the most magnificent ever held, would have reverted to the English sovereign, who, in the eye of the law is lord (or lady) paramount over all lands.

The powers conferred were ample, and almost absolute. The proprietor was empowered to enact laws with the assent of the freemen of the province; to appoint judges and other officers; to pardon crimes, murder and treason excepted; to grant reprieves in all cases until the pleasure of the crown were known; to make ordinances, (not affecting the property or persons of indi-

viduals) in cases requiring a prompt remedy, when the freemen could not be conveniently assembled; to divide the province into towns, hundreds, and counties; to incorporate towns, boroughs, and cities; to erect manors; to constitute fairs and markets, ports and harbours, at which the officers of the king's customs were to have free admission; to levy duties on imports and exports, saving to the king such duties as should be levied by Act of Parliament. He was clothed with the powers of captain-general, and authorized to levy troops, and to make war by sea and land against neighbouring barbarous nations, pirates or robbers. He was required to keep an agent in or near London, to answer for any misdemeanour, on his part, against the laws regulating trade or navigation; and in case of such misdemeanour, if reparation were not made within one year, the king might seize and retain the government until compensation should be made. He was forbidden to hold correspondence with any power at war with England, or to make war with any nation in amity with the parent country.

It was provided that the laws of England, regulating property, defining crimes, and prescribing punishments, should continue in force, until altered by the provincial legislature; and that duplicates of the colonial laws should be transmitted to the privy council within five

years after their enactment, and if not disapproved within six months after delivery, that they should continue in force; that appeals from the decrees of the courts in civil cases might be made to the king in council; that English subjects might freely transport themselves to the province; that the colonists might import every species of merchandise from England, and that they should confine their exports to England alone. The king was restrained from imposing any tax or custom on the inhabitants, their lands or goods, unless by the consent of the proprietary then chief governor, or by the assembly, or by Act of Parliament in England.

In case twenty of the inhabitants should desire of the Bishop of London to send a preacher to reside in the province, he was to be permitted to perform his functions without molestation. And, lastly, if any difference should arise concerning the meaning of the charter, it was to be construed in a manner most favourable to the proprietary.

Such is a summary of the charter granted by Charles II. to William Penn. The friendship and good offices of the Duke of York furthered his views, that nobleman causing his desire that Penn should succeed to be communicated to the privy council. A great deal of wisdom was exhibited by all the parties to the business, in the careful preparation of a document which should

save future disputes. The proprietary, however, failed to avail himself of its full advantages, by disregarding the clause which released him from the necessity of requiring annual quit rents. He was empowered by the charter to receive the full value, or such an increased price as would have made this reserve unnecessary. Had he done so, a fruitful source of disputes would have been avoided. In giving to the Parliament the right to tax the colonists, another cause of trouble was left. Probably from neither of these circumstances was difficulty apprehended. In regard to taxation, Penn leaves us to infer that he was pleased to obtain payment of his claim upon any terms, and would not therefore be too exacting. He writes in April, 1681, a month after the granting of his charter:—"I have been these thirteen years the servant of truth and Friends, and for my testimony sake lost much, not only by the greatness and preferments of this world, but sixteen thousand pounds of my estate, that, *had I not been that I am, I had long ago obtained.* But I murmur not; the Lord is good to me, and the interest of his truth with his people may move them to repay it. For many are drawn forth to be concerned with me, and perhaps this way of satisfaction has more of the hand of God in it than a downright payment."

It was not merely, or principally the recovery of his debt that induced Penn to obtain the char-

ter of Pennsylvania. In the same letter which we have quoted above, he says: "I had an opening of joy as to these parts in the year 1661, at Oxford, twenty years since; and as my understanding and inclination have been much directed to observe and reprove mischiefs in government, so it is now put into my power to settle one. For the matters of liberty and privilege I propose that which is extraordinary, and to leave myself and successors no power of doing mischief, that the will of one man may not hinder the good of a whole country." His friend, Algernon Sidney, assisted him in digesting his plans, and the political equality which could not exist in England was founded in Pennsylvania. He designed that an "example might be set up for the nations," judging that room might be found in the new world, if not in the old, "for such an holy experiment." "The restoration and enjoyment of those natural and civil rights and privileges of which men by their folly and wickedness are often deprived," was the great end he had in view. He wished to establish a refuge for the brethren of his own faith, and others who wished to escape persecution, or to secure immunities from which the customs of older countries debarred them. Though he did not live to see the result of his experiment, the influence and example of Pennsylvania, and the success of his "experiment" does honour to the

sagacity of his views; and for the impetus he gave to civil liberty and religious freedom, the world owes a large debt to William Penn.

On the 2d of April, the royal proclamation was issued, defining the limits of the province as laid down in the charter, and requiring the inhabitants within these bounds to yield all due obedience to the proprietary. This document was immediately sent out to the province by William Markham, whom Penn commissioned as his deputy-governor. The commission of Markham authorized him to settle boundaries, erect courts, appoint sheriffs, and conduct the formalities necessary to proclaim Penn's authority, and take possession of the province in his name. To the settlers already within his limits, Penn addressed the following letter:—

“MY FRIENDS,—I wish you all happiness, here and hereafter. These are to let you know that it hath pleased God, in his providence, to cast you within my lot and care. It is a business that, though I never undertook before, yet God hath given me an understanding of my duty, and an honest mind to do it rightly. I hope you will not be troubled at your change and the king's choice, for you are now fixed at the mercy of no governor who comes to make his fortune great; you shall be governed by laws of your own making, and live a free, and if you will, a sober and industrious people. I shall not usurp

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the right of any, or oppress his person. God has furnished me with a better resolution, and has given me his grace to keep it. In short, whatever sober and free men can reasonably desire, for the security and improvement of their own happiness, I shall heartily comply with; and in five months resolve, if it please God, to see you. In the mean time pray submit to the commands of my deputy, as far as they are consistent with the law, and pay him those dues that formerly you paid to the Governor of New York, for my use and benefit; and so I wish God to direct you in the way of righteousness, and therein prosper you and your children after you."

Having despatched his deputy to take possession, William Penn next published such a description of the country as he could command, from his previous acquaintance with New Jersey, and the reports of those who had visited America. He "forebore pains and allurements," and warned those disposed to settle of the necessary inconveniences which first settlers must encounter. He likewise advised all to secure the permission if they could not obtain "the good liking" of their near relatives. "I shall persuade none," he said. "'Tis a good country; with a good conscience it will do well." The terms of sale were forty shillings the hundred acres, and one shilling quit rent per annum. To those

who wished to rent, the terms were one penny per acre, not exceeding two hundred acres. Those who carried servants or labourers were allowed fifty acres for each, on the same terms; and servants, having fulfilled their contract, were allowed to take up land at a half-penny per acre. This was done "to encourage poor servants to go and be laborious." A great number of purchasers immediately presented themselves, and among them certain gentlemen who formed themselves into a company under the style and title of "The Free Society of Traders in Pennsylvania." This society purchased at once twenty thousand acres of land, and issued proposals or articles of trade.

The next step taken, was the establishment of "certain conditions or concessions" between Penn and those who had purchased of him. This agreement comprised twenty articles. The first ten provided for the survey of a city plot upon some proper site, with the apportionment of the city lots to country purchasers; the laying out of roads, and regulation of the country allotments; the assurance to purchasers of the full property in rivers, watercourses and mines; and the encouragement of the search for precious metals. The remaining ten articles regulated the trade and intercourse with the aborigines, requiring open sales to guard against frauds, and subjecting those who wronged the Indians to the

same penalties as they would incur by deceiving a fellow-planter. All differences between planters and Indians were directed to be settled by juries composed of six planters and six natives. The Indians were to be allowed the same privileges as the planters in the improvement of their grounds. The English laws relative to manners and morals, weights and measures, were to be in force until altered. An acre of woodland was to be reserved for every five acres cleared, and oak and mulberry especially to be preserved for shipping and silk. A registry was directed to be kept of all vessels, owners, freights and passengers arriving in the province; public notice was required to be given by all persons leaving the colony, otherwise the master of the vessel in which they took passage was made liable for their debts.

Such was the substance of the concessions. Two ships sailed with emigrants in the autumn of 1681; the John and Sarah, Captain Smith, from London, and the Bristol Factor, Captain Drew, from Bristol. In one of these vessels came three commissioners, Mr. Crispon, John Bezar, and Nathaniel Allen, who were deputed by William Penn to lay out a town, and make other arrangements for a settlement, and to treat with the Indians. In regard to the town, the commissioners were instructed to choose a place where it is most navigable, high, dry, and healthy;

where ships could ride, and, if possible, load and unload at the quay-side without boating or light-erage. "Let every house be placed, if the owner pleases, in the middle of its plat, as to the breadth-way of it; so that there may be ground on each side for gardens, or orchards, or fields, that it may be a great country town which will never be burned, and always wholesome." In the treatment of the natives, the commissioners were instructed:—"Be tender of offending the Indians, and hearken by honest spies, if you can hear that any body inveigles them not to sell, or to stand off, and raise the value upon you. You cannot want those that will inform you; but to soften them to me and the people, let them know that you are come to sit down lovingly among them. Let my letter, and conditions with my purchasers about just dealing with them, be read in their tongue, that they may see we have their good in our eye, equal with our own interest; and after reading my letter and the said conditions, then present their king with what I send them, and make a friendship and league with them, according to those conditions, which carefully observe, and get them to comply with. Be grave; they love not to be smiled upon." The letter referred to above was as follows:—

"MY FRIENDS:—There is one great God and Power that hath made the world and all things

therein, to whom you and I and all people owe their being and well-being, and to whom you and I must one day give an account for all that we have done in the world.

“This great God has written his law in our hearts, by which we are taught and commanded to love, and to help, and to do good to one another. Now, this great God hath been pleased to make me concerned in your part of the world; and the king of the country where I live hath given me a great province therein; but I desire to enjoy it with your love and consent, that we may always live together as neighbours and friends; else what would the great God do to us, who hath made us (not to devour and destroy one another, but) to live soberly and kindly together in the world? Now, I would have you well observe, that I am very sensible of the unkindness and injustice which have been too much exercised toward you by the people of these parts of the world, who have sought themselves to make great advantages by you, rather than to be examples of justice and goodness unto you. This I hear hath been a matter of trouble unto you, and caused great grudging and animosities, sometimes to the shedding of blood, which hath made the great God angry. But I am not such a man, as is well known in my own country. I have great love and regard toward you, and desire to win and gain your love and friendship by

a kind, just, and peaceable life; and the people I send you are of the same mind, and shall in all things behave themselves accordingly; and if in any thing any shall offend you or your people, you shall have a full and speedy satisfaction for the same, by an equal number of just men on both sides, that by no means you may have just occasion of being offended against them.

“I shall shortly come to see you myself, at which time we may more largely and freely confer and discourse of these matters. In the mean time I have sent my commissioners to treat with you about land and a firm league of peace. Let me desire you to be kind to them, and to the people, and receive the tokens and presents which I have sent you, as a testimony of my good-will to you, and of my resolution to live justly, peaceably, and friendly with you.

“I am your loving friend,

“WILLIAM PENN.”

Having thus prepared the way, William Penn prepared himself to go over to “his country,” during the year following. Meanwhile he refused what he acknowledges was “a great temptation.” He was offered six thousand pounds for six shares, the purchasers to have a monopoly of the Indian trade, and to pay annually two and a half per cent. of their profits as acknowledgment or rent. This was just ten times as much

as he received from other settlers. "But," says Penn, "as the Lord gave it me over all and great opposition, and that I never had my mind so exercised to the Lord about any outward substance, I would not abuse his love, nor act unworthy of his Providence, and defile what came unto me clean."

The Society of Free Traders, to whom Penn sold, and of which he was also a member, held no monopoly. In the articles of settlement, the managers say, "It is a very unusual society, for it is an absolute free one and in a free country; a society without oppression, wherein all may be concerned that will, and yet have the same liberty of private traffic as though there were no society at all; so that this society is calculated to promote the public good and to encourage the private." The Philadelphia city property which they held was an entire street from river to river, embracing nearly all the ground between Spruce and Pine streets. The original intention of their business operations was comprehensive, including agricultural settlements, manufactories, the lumber trade, and whale fishery. They had a tannery, a saw-mill, a glass-house, and other works. William Penn released their quit rents, but the enterprise does not appear to have been successful. In their constitution is introduced the first provision for the emancipation of negro servants.

It provides that "black servants shall be free at fourteen years end, on giving the society two-thirds of what they can produce on land allotted to them by the society, with stock and tools; if they agree not to this, to remain servants till they do." Trade with the Indians for peltry was another purpose of the society; and they made overtures of trade to many sachems, extending their views even to Canada. They also contemplated assistance to Indians settling in towns, "by giving them advice and instruction in handicraft." Among the prominent members settled in the country were Nicholas Moore and James Claypoole. Most of their city property remained unoccupied, and in common, until the breaking up of the society, and the passing of the property into other hands.

"Society Hill," as the elevated land in their allotment was called, was a parade-ground, and had on its summit a flag-staff. Here Whitefield preached in the open air, and other clergymen, following his example, kept up continuous services. Now, not a vestige of the hill remains, and a dense population has obliterated the last trace of the city possessions of the "Society of Free Traders." Like other adventurers, they were very much disappointed in their expectations of trade with the aborigines. The "monopoly speculators," with these facts transpiring

before them, must have felt quite reconciled to William Penn's refusal to treat with them. We have anticipated our dates to say the least of this enterprise, and now return to our continuous narrative.

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### CHAPTER III.

Preface to Penn's Frame of Government—Consultations about the Frame—Antagonistic influences—Deed of release from the Duke of York—The territories—Penn's embarkation—His fellow-passengers—Death of his mother—Farewell—Letter to Stephen Crisp—The passage—Sickness on board—Penn's arrival at New Castle—At Upland, now Chester—Reception—Preliminaries of government—Landing at Philadelphia—Intercourse with the Indians—Visit to New York—Treaty at Shackamaxon—Indian respect for Penn—Tradition of his speech—Presumed terms of the treaty—Pennsbury.

IN the spring of 1682, William Penn published a plan, or "Frame of Government," for his colony. This plan required subsequent changes and modifications. But in the preface he laid down certain principles which are unchangeable. This paper we present entire, as one of those documents from the fathers of this republic, which deserve remembrance. Happy would that state be, which should be guided by its principles.

“When the great and wise God had made the world, of all his creatures it pleased him to choose man as his deputy to rule it; and to fit him for so great a charge and trust, he did not only qualify him with skill and power, but with integrity to use them justly. This native goodness was equally his honour and his happiness, and while he stood here, all went well; there was no need of coercive or compulsive means; the principle of divine love and truth in his bosom was the guide and keeper of his innocence. But lust prevailing against duty, made a lamentable breach upon it; and the law that had before no power over him, took place upon him and his disobedient posterity, that such as would not live conformably to the holy law within, should fall under the correction of the just law without, in a judicial administration.

“This the apostle teaches in divers of his epistles. ‘The law,’ says he, ‘was added, because of transgression.’ In another place, ‘knowing that the law was not made for the righteous man, but for the disobedient and the ungodly, for sinners, for unholy and profane, for murderers, \* \* \* and others.’ But this is not all; he opens and carries the matter of government a little further: ‘Let every soul be subject to the higher powers, for there is no power, but of God. The powers that be are ordained of God; whosoever, therefore, resisteth the power,

resisteth the ordinance of God; for rulers are not a terror to good works, but to evil. Wilt thou not be afraid of the power? Do that which is good, and thou shalt have praise of the same.—He is the minister of God to thee for good.—Wherefore ye must needs be subject, not only for wrath, but conscience' sake.'

“This settles the divine right of government beyond exception, and that for two ends: first, to terrify evil-doers; secondly, to cherish those that do well; which gives government a life beyond corruption, and makes it as durable in the world as good men shall be. So that government seems to me a part of religion itself, a thing sacred in its institution and end; for if it does not directly remove the cause, it crushes the effects of evil, and is, as such, though a lower, yet an emanation of the same divine power that is both author and object of pure religion; the difference lying here, that the one is more free and mental, the other more corporal and compulsive in its operation; but that is only to evil-doers, government, itself being otherwise as capable of kindness, goodness, and charity as a more private society. They weakly err, who think there is no other use of government than correction, which is the coarsest part of it. Daily experience tells us that the care and regulation of many other affairs, more soft, and daily necessary, make up the greatest part

of government, and which must have followed the peopling of the world, had Adam never fallen, and will continue among men on earth under the highest attainments they may arrive at, by the coming of the blessed second Adam, the Lord from heaven. Thus much of government in general, as to its use and end.

“For particular frames and modes it becomes me to say little, and, comparatively, I will say nothing. My reasons are, first, that the age is too nice and difficult for it, there being nothing the wits of men are more divided and busy upon. 'Tis true, they seem to agree in the end, to wit, happiness, but in the means they differ, as to divine, so to this human felicity; and the cause is much the same, not always want of light and knowledge, but want of using them rightly. Men side with their passions against their reasons; and their sinister interests have so strong a bias upon their minds, that they lean to them against the good of the things they know.

“Secondly, I do not find a model in the world that time, place, and some singular emergencies have not essentially altered; nor is it easy to frame a civil government that shall serve all places alike.

“Thirdly, I know what is said by the several admirers of monarchy, aristocracy, and democracy, which are the rule of one, of a few, and of many, and are the three common ideas of

government when men discourse on that subject. But I choose to solve the controversy with this small distinction, and it belongs to all three: any government is free to the people under it, whatever be the frame, where the laws rule, and the people are a party to those laws; and more than this is tyranny, oligarchy, or confusion.

“But, lastly, when all is said, there is hardly one frame of government in the world so ill-designed by its first founders, that in good hands would not do well enough; and history tells us, that the best, in ill hands, can do nothing that is great and good: witness the Jewish and Roman states. Governments, like clocks, go from the motion men give them; and as governments are made and moved by men, so by them they are ruined too. Wherefore governments rather depend upon men, than men upon governments. Let men be good, and then government cannot be bad. If it be ill, they will cure it. But if men be bad, let the government be ever so good, they will endeavour to warp and spoil it to their turn.

“I know some say, ‘Let us have good laws, and no matter for the men that execute them.’ But let them consider, that though good laws do well, good men do better; for good laws may want good men, and be abolished or evaded by ill men; but good men will never want good laws, nor suffer ill ones. ’Tis true, good laws

have some awe upon ill ministers, but that is where those have not the power to escape or abolish them, and where the people are generally wise and good; but a loose and depraved people (which is the question) love laws and an administration like themselves. That, therefore, which makes a good constitution must keep it, namely, men of wisdom and virtue; qualities that, because they descend not with human inheritances, must be carefully propagated by a virtuous education of youth; for which after ages will owe more to the care and prudence of founders and their successive magistracy, than to their parents, for their private patrimonies.

“These considerations of the weight of government, and the nice and various opinions about it, made it uneasy to me to think of publishing the ensuing frame and conditional laws, foreseeing both the censures they will meet with from men of different humours and engagements, and the occasion they may give of discourse beyond my design.

“But, next to the power of necessity, which is a solicitor that will take no denial, this induced me to a compliance, that we have, with reference to God and good conscience to men, to the best of our skill, contrived and composed the frame and laws of this government, to the great end of all government, viz., to support power in reverence with the people, and to

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secure the people from the abuse of power, that they may be free by their just obedience, and the magistrates honourable for their just administration; for liberty without obedience is confusion, and obedience without liberty is slavery.

“To carry this evenness is partly owing to the constitution, and partly to the magistracy; where either of these fall, government will be subject to convulsions; but where both are wanting, it must be totally subverted; then where both meet, the government is like to endure, which I humbly pray and hope God will please to make the lot of this of Pennsylvania. Amen.”

This preface bears indubitable marks of being the sole composition of William Penn. But in the Frame of Government he consulted those who had adventured with him; and in some particulars his wishes were overruled, by those who made the adoption of their views a condition, without which they could not take part with him. Algernon Sidney was in particular consulted; and the plan of government, in its main particulars, appears to have been the joint production of Penn and Sidney. The feudal relation in which Penn stood was difficult to reconcile with the democratic ideas which Sidney held, and to which William Penn was inclined. The preface which we have given, indicates the “discourse with a considerable argument,” which the founder says that he had with Sidney; and

which he had, no doubt, with others. The essential democratic features of Penn's plan remain without change. The original frame or constitution underwent the first of its modifications at the second meeting of the council and assembly of the colony, at Philadelphia, in 1683. To avoid repetition, we postpone our notice of the frame until we arrive at the date of the Provincial Assembly, by which it was revised. A code of laws was prepared in England, and as this was reviewed and enlarged and enacted by the first assembly of the province, it will be given in its order.

That every thing might be done which should remove the possibility of clashing rights and sovereignties, William Penn next obtained a deed of release from the Duke of York, and his heirs, of all claim to sovereignty over the tract embraced in the limits of Pennsylvania. He also procured the fee simple in the land now composing the State of Delaware, paying therefor to the Duke of York one-half of all the revenues derived from it. This tract is, in the early history of Pennsylvania, known under the name of "The Territories."

Thus having closed all the business relative to his colony which could be done in England, Penn embarked at Deal on board the "ship Welcome, of three hundred tons burden, Robert Greenaway commander." In this little vessel,

for small she seems compared with those that now convey passengers, Penn had more than a hundred fellow-passengers, adventurers to his new colony. They were most of the members of the Society of Friends, and Penn's old neighbours in Sussex, where he had a mansion. It was a most formidable undertaking in those days to cross the Atlantic, and William Penn seems to have been deeply impressed with it, and anxious to close up all his affairs, and perform all his duties, as if he were setting his house in order. We do not think that he undertook the voyage with any great alacrity. He felt a vocation, to use his own language, to employ his influence and improve his position at court for the relief of his suffering brethren of the same faith. Almost on the eve of his departure he exerted himself in this charitable and most worthy cause, procuring the discharge from arrest of several members of his sect.

His mother died in the spring of this year, and William Penn was deeply moved and affected. We read in his beautiful letter of farewell to his wife and children the wisdom of a man made wise by chastening, and the affection of a heart softened by affliction. As a prominent and conscientious member of the society, he could not leave England without a farewell message, and this he prepared under the title of "An Epistle containing a Salutation to all

Faithful Friends, a Reproof to the Unfaithful, and a Visitation to the Inquiring in the Land of my Nativity." He wrote many letters to individuals, and from one of these we make an extract, as exhibiting the conflict in his mind between the calls of duty at home and in his colony. The letter was written to Stephen Crisp, like the writer, an esteemed preacher in his society.

"The Lord will bless that ground! I have also a letter from thee which comforted me; for many are my trials, yet not more than my supplies from my Heavenly Father, whose glory I seek, and the renown of his blessed name. And truly, Stephen, there is work enough, and here is room to work in. *Surely God will come in for a share in this planting work, and that heaven shall leaven the lump in time.* I do not believe the Lord's providence had run this way toward me, but that he has an heavenly end and service in it; so with him I leave all, and myself and thou, and his dear people and blessed name in earth."

The vessel sailed about the first of September, and made, in regard to time, a prosperous passage, being less than two months. On the 24th the entrance of the Delaware was reached, and on the 27th the *Welcome* arrived opposite New Castle. Here he produced the deeds from the Duke of York, and was formally invested with

the possession of the town and country, by the "delivery of turf and twig, and soil of the River Delaware." The small-pox had reduced the number of the passengers one-third, and the proprietor had doubly endeared himself to the passengers by his attention both to the physical comforts and the spiritual wants of the sick. His "good conversation," says Richard Townsend, one of the passengers, "was very advantageous to all the company, and we had many good meetings on board." From the same testimony we learn that the fear of disease did not abate the kindness of the inhabitants. The chief inhabitants were Indians and some New York, who received us in a friendly manner. The moment he had thought there was a great number seeking out also the hand of Providence was Long Island, and at that manner, in that previous month he returned, and the Swedes and part of this month was held the well as a meeting with the Indians, at the treaty with the inhabitants of Shackamaxon, now Kensington. This

A flood until 1810, when it was blown down, a small monument now marks its former place. Penn had instructed his commissioners to precede him to this country, to make a treaty or league with the Indians. It appears from the circumstances that this meeting was prepared for the ratification of the work commenced by those commissioners. No written record of any transaction remains, and there is no deed or

people of the Territories, to meet him at New Castle on the 2d of November. The "court" or audience was held accordingly, and Penn addressed them upon the objects for which he had summoned them, viz., to confirm their land titles, provide room for new settlers, and establish temporarily the laws of New York, until an assembly could be summoned to enact a new code.

Having thus arranged the preliminaries of his government over the Territories, Penn next proceeded to his province proper. It is related that he went up the Delaware in an open boat, and reached the site of his future city on the 8th of November, as noted in the minutes of a Friends' meeting, held on that day, in which he said, "I shall leave the lump in your hands, now marked only by the Lord's providence had run a good phenomenon, but that he has an heavenly enclosure then a part in it; so with him I leave all, and my friends who are with you, and his dear people and blessed land on earth."

The vessel sailed about the first of September and made, in regard to time, a prosperous voyage, being less than two months. On the 27th the entrance of the Delaware was reached, and on the 27th the Welcome arrived opposite New Castle. Here he produced the deeds from the Duke of York, and was formally invested with

of the forest, and a determination to test what kindness could do in civilizing them, took an early opportunity to cultivate their acquaintance. He walked with them, sat down on the ground at their side, and partook of their primitive repast of roasted acorns and hominy. The delighted Indians, at a loss for words with one who could not understand them, expressed their pleasure by feats of agility, and William Penn, not to be outdone by his new friends, sprang up, and out-leaped them all!

After the transaction of such business as opportunity afforded, and the circumstances required, Penn visited the province of New York, visiting the Jersey Friends, with whom he had been in business relations, and seeking out also the people of his faith in Long Island, and at other places. In November he returned, and during the latter part of this month was held the famous meeting with the Indians, at the treaty tree at Shackamaxon, now Kensington. This tree stood until 1810, when it was blown down, and a small monument now marks its former site. Penn had instructed his commissioners who preceded him to this country, to make a treaty or league with the Indians. It appears from the circumstances that this meeting was held for the ratification of the work commenced by those commissioners. No written record of the transaction remains, and there is no deed or

grant of land bearing date from this meeting. It was not, therefore, for the purchase of land, but for the interchange of friendly greetings and assurances that William Penn met the Indians at Shackamaxon. It was the proper commencement of his intercourse with his new neighbours, and its effects remain upon them to this day. The traditions of the aborigines have canonized the great "Onas," as they called him, translating the word *pen* into their language; and the dress and manners of a "Quaker" are assurances to their confidence. The venerable John Heckewelder, the Moravian missionary, remarks upon the aversion of the Indians to treaties made anywhere except in the open air. "William Penn," the Indians told Heckewelder, "when he treated with them adopted the ancient mode of their ancestors, and convened them under a grove of shady trees, where the little birds on the boughs were warbling their sweet notes.' In commemoration of these conferences, which are always to the Indians a subject of pleasing remembrance, they frequently assembled together in the woods, in some shady spot, as nearly as possible similar to those where they used to meet their brother Miguon, (Penn,) and there lay all his words or speeches, with those of his descendants, on a blanket, or a clean piece of bark, and with great satisfaction go over the whole. This practice, which I have repeatedly

witnessed, continued till the year 1780, when the disturbances which then took place put an end to it, probably for ever." The name Miguon has the same signification as Onas.

The Indians assembled at Shackamaxon in great numbers, painted and armed. The handful of Friends who met them were without any weapon whatever; but Onas, or Penn, was distinguished from his suite by a sash of blue silk network. Various articles of merchandise, intended as presents, were borne before the Europeans. The Indian chief who presided was Tanunend, whose name seems to belong alike to the legends of New York and Pennsylvania. Advancing before his warriors, he placed upon his head a chaplet adorned with a small horn, the emblem of kingly power, and of religious and inviolable peace. At this symbol the Indians laid aside their arms, and seating themselves in the form of a half-moon, awaited the conference. Tanunend signified through an interpreter their readiness to hear, and William Penn addressed them in a speech of which tradition has preserved the substance.

The Great Spirit, he said, who made him and them, and who knew the innermost thoughts of man, knew that he and his friends had a hearty desire to live in peace and friendship with them, and to serve them to the utmost of their power. It was not their custom to use

hostile weapons against their fellow-creatures, for which reason they had come unarmed. Their object was not to do injury, but to do good. They were then met on the broad pathway of good faith and good-will, so that no advantage was to be taken on either side, but all was to be openness, brotherhood, and love. After these and other words, Penn opened a parchment which he held in his hand, and conveyed to the Indians, article by article, the terms upon which he placed the intercourse between them, as already given in his instructions to the commissioners, and made the basis of their conferences with the Indians for the purchase of land. He then laid the parchment on the ground, observing that the ground should be common to both people. Having distributed presents among the chiefs, he proceeded to say that he would not call them children or brothers only; for often parents were apt to whip their children too severely, and brothers sometimes would differ. Neither would he compare the friendship between them to a chain, for the rain might sometimes rust it, or a tree might fall and break it; but he would consider them as the same flesh and blood with the Christians, and the same as if one man's body were to be divided into two parts. He then took up the parchment, and presented it to the saehem who wore the horn in the chaplet, and desired him and the other

sachems to preserve it carefully for three generations, that their children might know what had passed between them, just as if he had remained himself with them to repeat it.

The Indians, as is their decorous custom, listened in perfect silence. The chiefs, we may suppose, as Penn describes their general custom, deliberated for some moments, and then one of them, speaking in the king's name, and taking Penn by the hand, pledged the Indians to live in love with William Penn as long as the sun and moon endure. No tradition of the Indian speech on this occasion is preserved. We may remark, that this tree had been the place between the Indians and Penn's commissioners when they settled the purchases which were made before Penn's arrival; and as Shackamaxon signified, in the Indian language, "the place of kings," probably it was an old council ground. The principal tribes represented were three, the Lenni Lenape, the Mingoës, and the Shawnees. The Lenni Lenape, usually called the Delaware Indians by the Europeans, appear to have been the fathers and possessors of the soil. The Mingoës, called by the French the Iroquois, were a confederacy known among the English as the Five Nations, and afterward the Six Nations. The Shawnees were a warlike tribe, exiled from the south, and tolerated or protected by the Delawares. It should be ob-

served that these Delawares, or Lenni Lenape, with whom Penn had most dealings, were among the least warlike, and most placable of the aborigines.

Although, as we have said, no copy of the treaty has been preserved, and the original, in the hands of the Indians, has never been read, so far as appears, by any white man who has recorded the fact, yet in the early minutes of the Provincial Council, the stipulations of the instrument are frequently referred to. They were quoted by the Indians at many subsequent conferences with the authorities of the province. And in May, 1728, we find Governor Gordon in an Indian council, recapitulating the nine principal heads of the treaty:—

“That all William Penn’s people, or Christians, and all the Indians, should be brethren, as the children of one father, joined together as with one heart, one head, and one body. That all paths should be open, and free to both Christians and Indians. That the doors of the Christians’ houses should be open to the Indians, and the houses of the Indians open to the Christians, and that they should make each other welcome as their friends. That the Christians should not believe any false rumours or reports of the Indians, nor the Indians believe any such rumours or reports of the Christians, but should first come, as brethren, to inquire of each other;

and that both Christians and Indians, when they hear any such false reports of their brethren, should bury them as in a bottomless pit. That if the Christians heard any ill news that may be to the hurt of the Indians, or the Indians hear any such ill news that may be to the injury of the Christians, they should acquaint each other with it speedily, as true friends and brethren. That the Indians should do no manner of harm to the Christians nor their creatures, nor the Christians do any hurt to any Indians, but treat each other as their brethren. But as there are wicked people in all nations, if either Indians or Christians should do any harm to each other, complaint should be made of it by the persons suffering, that right may be done; and when satisfaction is made, the injury or wrong should be forgot, and buried as in a bottomless pit. That the Indians should in all things assist the Christians, and the Christians assist the Indians against all wicked people that would disturb them. And, lastly, that both Christians and Indians should acquaint their children with this league and firm chain of friendship made between them; and that it should always be made stronger and stronger, and be kept bright and clean, without rust or spot, between our children and children's children, while the creeks and rivers run, and while the sun, moon, and stars endure."

It would be pleasant to know whether the above "heads" are the Indian understanding of the treaty, or Governor Gordon's presentation in simple language, or whether they are in the same style of expression as the document itself. If the latter be the case, then William Penn was very happy in so drawing up a treaty that its terms could be easily comprehended.

From the treaty tree William Penn proceeded to his new mansion, at Pennsbury, nearly opposite Burlington. It was then in progress of erection, having been commenced by Colonel Markham before Penn's arrival. The mansion had sixty feet front, by forty in depth, the lawn and garden sloped down to the river side, and the offices were built in a line with the main building. All that now remains is the brewhouse, converted into a dwelling. In the mansion was a spacious hall for councils and Indian conferences; and at Pennsbury, when he was in this country, Penn fully carried out the hospitable treatment which he desired should be shown to the aborigines. The site was bought of "an old Indian king." There are allusions to several Indian conferences held at Pennsbury, usually closing with a "cantico," or song, and dance round the council fire out of doors. Penn was a frequent visitor to the Indians, and delighted to watch their sports and feats of agility, and to be present at their dances. At a wed-

ding near Pennsbury, perhaps at the manor house itself, Penn was present with several Indians. The bride, who died in 1774, aged one hundred years, and whose descendants still live in Bucks county, used to describe Penn as "of rather short stature, but the handsomest, best-looking, lively gentleman she had ever seen."

While Penn was thus affable and kind to his dependants, and courteous to all whom he met, and upon occasions of relaxation could lay aside the governor, he was not at all unmindful of the influence of proper forms and the decorum of official intercourse. His barge was a stately conveyance for those days; and his coach and fine blooded horses were in keeping with the style of his residence. When the council was in session, an official guarded the door; and when he went to open the assembly, or to hold the High Court of the Provincial Council, he was preceded by the members in procession, and attended by the sheriff and his deputies with their insignia of office.

## CHAPTER IV

First Provincial Legislature—Act of settlement—Act of union—Naturalization—Code of laws—Preamble and first sections—Religious toleration—Abolishment of primogeniture—Privileges of citizens—Humanity of the code—Satisfaction of the people—The Maryland boundary—Points in dispute—Protracted controversy—Mason and Dixon's line—Boundary troubles—Meeting of the council and assembly at Philadelphia—Adjustment of the Frame of Government—Leading particulars—William Penn's opinion of his powers—Laws passed and laws not passed—Treason—Style of acts—Only witchcraft trial—Trial of a counterfeiter—Why was Anthony Weston whipped?

AGREEABLY to writs issued by William Penn for the meeting of the council and assembly of the provinces and territories thereunto belonging, a session was held at Chester, commencing on the 4th of December, 1682. The "Frame of Government" prepared in England, required that there should be chosen seventy-two persons to act as a Provincial Council, that the House of Assembly should consist of not more than two hundred persons; but upon the first meeting it was found that only the seventy-two were chosen, one-half of whom were from the province, and one-half from the territories, and that no separate provision was made for assembly. In this dilemma, three instead of twelve were taken

from each county to form the council, and an act of settlement was passed making the informality legal. The preamble of the act set forth as the reason for it, "the fewness of the inhabitants, their inability in estate, and unskilfulness in matters of government." A council who could at this day deal thus honestly with the character of their constituents would be considered curiously bold. The same act made six the number of representatives to be annually chosen for each county. Other alterations were made, which it is not necessary here to note. An act for the union of the province and territories was also passed. As half the council and assembly were delegates from the territories, the union was thus recognised from the day of the election, and the act should have been confirmatory rather than declaratory. But in those primitive times technicalities were not insisted on. Another act naturalized the foreigners already settled in the province and territories, but it was decided that no persons should thereafter be naturalized except by special laws.

The legislature of the province remained in session but three days, in which, their work being nearly all prepared to their hand, they accomplished a great deal. The most important business of the session was the "Great Law," a code of laws which passed on the third day. The preamble to this code, and the first section,

has been much and justly admired. They are as follows:—

“Whereas the glory of God Almighty and the good of mankind is the reason and end of all government; and therefore government itself is a venerable ordinance of God; and forasmuch as it is principally desired and intended by the proprietary and governor, and freemen of the Province of Pennsylvania and the territories thereunto belonging, to make and establish such laws as shall best preserve true Christian and civil liberty, in opposition to all unchristian, licentious and unjust practices, whereby God may have his due, Cæsar his due, and the people their due, from tyranny and oppression on the one side, and insolence and licentiousness on the other; so that the best and firmest foundation may be laid for the present and future happiness of both the governor and the people of the province and territories aforesaid, and their posterity: Be it enacted by William Penn, proprietary and governor, by and with the advice and consent of the deputies and freemen of this province and the counties aforesaid, in General Assembly met, and by the authority of the same, that these following chapters and paragraphs be the laws of Pennsylvania and territories thereof:—

“Almighty God being only Lord of conscience, Father of lights and spirits, and the author as

well as object of all divine knowledge, faith, and worship; who only can enlighten the mind, and persuade the conscience of people, in due reverence to his sovereignty over the souls of mankind: It is enacted by the authority aforesaid, that no person now, or at any time hereafter living in this province, who shall confess and acknowledge one Almighty God to be the Creator, Upholder, and Ruler of the world, and that professeth him or herself obliged in conscience to live peaceably and justly under the civil government, shall in any wise be molested or prejudiced for his or her conscientious persuasion or practice; nor shall he or she at any time be compelled to frequent or maintain any religious worship, place or ministry whatever, contrary to his or her mind, but shall freely and fully enjoy his or her Christian liberty in that respect, without any interruption or reflection; and if any person shall abuse or deride any other for his or her different persuasion and practice in matters of religion, such shall be looked upon as a disturber of the peace and punished accordingly.

“But to the end that looseness, irreligion and atheism may not creep in under pretence of conscience in this province: Be it further enacted by the authority aforesaid, that according to the good example of the primitive Christians, and for the ease of the creation, every first-day of

the week, called the Lord's day, people shall abstain from their ordinary toil and labour, that whether masters, children, or servants, they may the better dispose themselves to read the scriptures of truth at home, or to frequent such meetings of religious worship abroad as may best suit their respective persuasions."

Though thus guarding against persecution for opinion's sake, the code required, as a necessary qualification for office, the profession of the Christian faith. All persons who paid "scot and lot to government" could elect and be elected. Personal liberty was strictly guarded. No arrest was permitted in civil cases, unless the defendant was about to leave the province; and in criminal cases the accused wereailable, unless the offence were capital, and the presumption of guilt violent. The law of primogeniture was modified, the real estates of persons dying without will being divided among the children, the oldest son having a double share. Where there were no children, the real estate of a man deceased insolvent could be sold to pay his debts; but if he left issue, one-half only was liable to execution, and that only for debts contracted prior to the purchase of the estates. Marriage was declared a civil contract. Murder was the only crime punishable by death. Prisons were declared to be workhouses for felons, thieves and vagrants.

Such were the peculiar features of the "body of laws," which distinguished it from the old forms of succession, primogeniture, and sanguinary inflictions for crime. There were many laws against blasphemy and other evil practices. Stage plays, pledging of healths, masks, revels and the like were interdicted, the penalty being fine, imprisonment, and the stocks; but many offences were left to the discretion of the magistrate to punish. The spirit of these laws still controls the jurisprudence of Pennsylvania, but of the original laws all are repealed. The parts necessary to be retained are provided for by later enactments. The employment of convicts at labour, and the effort at the reclamation of the offender, have given their model character to the prisons of Pennsylvania. The inhabitants of the province and the territories were very much pleased with the result of the first session of the legislature and the demeanour of their governor; and the Swedes deputed one of their number, Lacy Cock, to assure the proprietary that "they would love, serve, and obey him with all they had," and they declared that the day of his coming among them was "the best they ever saw."

After the adjournment of the legislature, William Penn proceeded to Maryland to endeavour to settle the boundary of the two provinces. Unsuccessful efforts had been already made by

Colonel Markham, and Penn had no better success. Lord Baltimore received him with great personal courtesy; but raised claims which Penn regarded as entirely inadmissible, shutting him off from the ports on the Delaware, which he regarded essential to the prosperity of his province. Baltimore's claim under his charter was "unto that part of Delaware Bay on the north which lies *under the fortieth degree.*" Under this Baltimore claimed up to the end of the fortieth, or beginning of the forty-first. Penn's charter included the country from "the *beginning of the fortieth degree,*" and under this he claimed from the end of the thirty-ninth. There was also a restricting clause in the Maryland charter, restricting the grantee to lands not previously settled by European colonists, as the territories had been. Penn had clearly the best of the argument, but the dispute was not settled during his lifetime. In 1732 a joint commission was agreed to by the respective proprietaries, to run the line which at present marks the boundary between Delaware and Virginia, and the southern boundary of Pennsylvania. But the terms of the convention were not complied with until the proprietaries of Pennsylvania procured a decree in chancery, in 1750. Even after this, the running of the line was delayed until 1762, when Charles Mason and Jeremiah Dixon, two expert mathematicians, were employed, who surveyed

and run the lines, and, we may add, unconsciously procured for themselves immortality; for "Mason and Dixon's Line" has passed, through later circumstances, into a phrase of continual reference.

While the question remained open, the boundary was a subject of continual annoyance and difficulty. Lord Baltimore offered lands within the disputed tract for sale at a much less price than those which were indisputably within his patent, and he annoyed and dispossessed others who refused to acknowledge his title, or to pay him quit-rent. Where the principal is exacting subordinates never fail to catch the spirit, and many disagreeable rencounters and difficulties occurred. Penn's peaceful policy prevented any serious difficulty; but if he could forbear to quarrel, he could also firmly refuse to yield. We state, in anticipation, the result of the dispute, to the progress of which we may find need once or twice to refer.

Having, with the consent of the purchasers under him, divided the province of Pennsylvania, so far as settled, into three counties, Philadelphia, Chester, and Bucks, and the territories into New Castle, Kent, and Sussex; and having also appointed sheriffs for those counties, Penn issued writs for the election of members of the council and assembly, to meet at Philadelphia, on the 10th of March, 1683. The most important

business of the session was the adjustment of the "Frame of Government," which proved in the working too cumbrous and complicated. By this frame the government was vested in the proprietary and governor, and the freemen of the province, represented in a council and general assembly. The council consisted of eighteen, with a provision to be increased as the population increased, not to exceed seventy-two. One-third of the members were to be chosen every year, three years to be the term of service. Thus the council was a perpetual body. The governor and council had the power of originating and proposing to the assembly all such bills as they should consider needful, and such bills were to be posted up twenty days before the meeting of the assembly, that the people might consult upon them with their representatives. The governor and council had power to dismiss the assembly. The judiciary appointments were reserved to Penn during his life, and after his death the council were to nominate two to each vacancy, of whom the governor was to designate one. The council were joined with the governor in his executive functions, had charge of the location of cities and public buildings, highways and roads, public schools, the treasury, &c.; and in the beginning of the government appears to have assumed the trial of cases, either by appeal or original complaint, and to have exercised a

supervisory and summary power over the inferior courts. One-third of the council residing with the governor, formed his advisory cabinet.

The assembly was intended only to act upon such bills as the governor and council matured, published by proclamation, and proposed to them for assent. But the assembly at this session procured the right to originate legislative measures also. Also they passed a resolution which the governor approved, giving them that privilege. The practical operation of this was to make the assembly the legislative branch of the government; whereas, by the original frame, the house had merely a negative upon government propositions.

Aliens were enabled to devise real estate. Election by ballot was established. Provision was made for the appointment of commissioners and guardians during the minority of the governor or proprietary, in case none should be appointed by the will of the deceased. Among the most important changes from the original frame, was in the omission of the power which the governor had to cast a treble vote in the council. Penn thought, and not, we must admit, without reason, that some act of his inexperienced legislators might cost him the forfeiture of his charter, and he endeavoured to procure from the assembly an act giving him security of indemnity in case of such forfeiture. But this measure

was not carried. William Penn, as afterward appeared, regarded the privileges which he granted by his frame as free gifts on his part, not inherent rights of the people, having in practice the high ideas of prerogative which were held by the Stuarts, though in theory a republican. In his public acts these contrary motives were continually exhibiting themselves, sometimes one being prominent and sometimes the other. In his letter to a friend relative to the original scheme of government, he declared that he had not left it in the power of one man to defeat the will of the people; thus intimating that he conceived that power to have been transferred to him by the king's patent. The audacity of the assembly in their demand for the privilege of originating laws was remarked upon by a courtly member. He said it was "too presumptuous, and derogatory from the governor's privileges and royalties."

The assembly adjourned after a session of twenty-two days. The next session was held at Newcastle, in May, 1684. At these two sessions the whole civil and criminal code was revised, and several laws were proposed which did not pass. Among these we note one making it compulsory upon young men to marry, and another directing that only two kinds of cloth should be worn in the colony, one for summer and another for winter. Good sense prevailed against these

enactments. There would seem also to have been, even at this early day, some rebellious spirits in the colony, who did not hesitate to express their opinions of proposed laws in phrases more energetic than seemly or polite. These, upon report being made to the governor and council, were duly reprimanded. The details of county judicatures were settled and arranged. The Indians, in relation to the crime of drunkenness, became amenable to the colonial laws, upon their own agreement, and the law forbidding the sale of spirituous liquors to them was repealed; but a law was passed making void any contract when either party was "in drink" at the time of its being contracted. Provision was made for the appointment of three "peacemakers" at every county court, of the nature of common arbitrators, to hear and adjust differences between individuals. This principle is now preserved in the law authorizing the choice of arbitrators by parties who have matters in controversy. An impost was voted upon certain imports and exports, which the governor declined to accept for the present, but reserved for future advantage. But he did accept the sum of two thousand pounds, to be raised by duties on imported spirits. An act was passed "for the preservation of the governor's person," which declared it treason to attempt his life, or assail his power.

Among the records of the first provincial council, William Penn, proprietary and governor, presiding, we find the only witchcraft case recorded, which the annals of Pennsylvania present. One Margaret Matson was indicted as a witch, and the principal evidence against her was as follows, as appears by the Provincial Records:

“Annatey Coolen, attested, saith her husband tooke the Heart of a Calfe that Dyed, as they thought, by Witchcraft, and Boyled it, whereupon the Prisoner at the Barr came in and asked them what they were doing; they said boyling of flesh; she said they had better they had Boyled the Bones, with several other unseemly expressions.”

Margaret, poor soul, denied every thing, and the jury returned the most sensible verdict which witchcraft trials present: “Guilty of having the common fame of being a witch, but not guilty in manner and form as she stands indicted.” Margaret was required to find bail to keep the peace, and her husband becoming her surety with another, she was discharged. The records preserve several trials of masters and crews of emigrant ships, in relation to short fare, ill treatment, and consumption of the passengers’ beer by the thirsty seamen, blows provoked by the spilling of slops, for which in reality old Neptune only was accountable.

The trial and sentence of a counterfeiter is

also recorded, in which the culprit, who seems to have been a man of substance, was sentenced to redeem his base issues in good money, to pay a fine of forty pounds, and find security for his good behaviour. One is a little at a loss to know under what law this sentence was inflicted. There was at that time no colonial law against counterfeiting, and no law in the British code would authorize such a sentence. The conclusion is inevitable that the worthy governor and his council met many exigencies by virtue of their mixed legislative and executive functions, supplying for the occasion what the "Great Code" did not furnish. We judge this certainly to have been the course with one Anthony Weston. "The Proposals of Anto Weston with the rest of the Persons names thereunto subscribed were read; And the Governor proposes which way to punish him, and they thought the best way was to have him Whypt.—Antho. Weston being Examined, saith that they mett at Tho. Hootons, and there chose him to draw up Proposals to the Gov. and Prov. Councill, wch Proposals were mended by Tho. Winn, who was reproved for docing of the same. The Gov. proposeth what to doe with Anto. Weston: as many as would have him whypt, say yee. Past in the Affirmative." So Anthony was whipped three times in the market-place, on three successive days, at meridian, each time receiving ten lashes for his

great presumption and contempt. But why poor Anthony was whipped, or what was the tenor of his "Proposals," appeareth *not* of record. We suspect that there was more fun than treason in them; and less fun in the consequence than in the deed.

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## CHAPTER V.

Penn's return to England—Appointment of provincial judges and other officers—Number and character of the inhabitants of the colony—Review of the Dutch and Swedish occupation—Henry Hudson—Captain Cornelius Jacob May—Captain De Vrees—The Swedish settlers—Wiccaco—Captain Sven—The old Swedes church—The Dutch rule—Swedish intercourse with the natives—Minisink—The British acquisition in 1664—Grant to the Duke of York of the former Dutch possessions—Extract of a letter from William Penn—Boundary dispute with Lord Baltimore—Indian treaties—Selection of Coaquannock as the site for a town—Philadelphia founded—Dwellings on the river bank—Annals of emigrants—Birth of John Key—Anecdotes of the early settlers—Experiences of Elizabeth Hard.

THE domestic affairs and duties of William Penn, the desire to relieve the sufferings of the Society of Friends in England, the dispute with Lord Baltimore about the boundaries of Maryland, and the natural activity of his own mind, induced the proprietary, in the month of August, 1684, to embark for England. He had arranged his government for a two years' absence, commis-

sioning a bench of five provincial judges for that term. The bench consisted of Nicholas Moore, William Welch, William Wood, Robert Turner, and John Eckley. Thomas Lloyd, James Claypoole, and Robert Turner were empowered to sign land patents and grant warrants. The Provincial Council, Thomas Lloyd being president, were empowered to act in his stead in the government of the province. Colonel Markham was appointed secretary of the province, and Thomas Holmes, surveyor-general.

The city of Philadelphia at this time contained about three hundred houses, and a population of nearly twenty-five hundred. The whole population of the province and territories was about seven thousand, three thousand of whom were of Swedish or Dutch extraction, and the rest were Penn's colonists. The number of townships surveyed and taken up was twenty-two. Everything was in a prosperous and promising condition; the state of the Maryland boundary only excepted. In one respect even this has proved an advantage, particularly to antiquarians. The examination into the history of the early Swedish and Dutch claims which William Penn instituted to strengthen his claim, and to establish an occupation prior to the assumption of Lord Baltimore, has handed down to us a full account of the Swedish and Dutch occupation of the banks of the Delaware.

In the year 1609 Captain Henry Hudson, being in the employment of a Dutch company, touched at the mouth of what is called Delaware Bay. Finding shoals, and suspecting danger, he returned, and a few days after entered the Bay of New York, and discovered its noble river, which he called the North River, in contradistinction to the Delaware, which he named the South River. The name of Delaware was given to the river and bay afterward, in honour of Lord Delaware, one of the early governors of Virginia. A trading-post was erected on Manhattan Island, now the site of New York city, and in 1623 the West India Company of the United Netherlands took formal possession of the country discovered by Hudson, including the Delaware or South River, and named the whole indefinitely understood tract New Netherlands. Captain Cornelius Jacob May was despatched to the South, or Delaware, River to colonize and make further discoveries; and he gave the name to Cape May which it now bears. The opposite cape received Captain May's baptismal name, Cornelius. It was afterward called Cape Henlopen, a name given originally to a cape further south, on Fenwick's Island, now called False Cape. Penn endeavoured to affix to it the name of his royal patron, James, but the name of Henlopen is that which custom has fastened upon it.

In 1631 Captain David Peterson de Vries, as the agent of a wealthy Dutch association, attempted a settlement near the present site of Lewistown. It was unsuccessful. The Indians dispersed or murdered his colonists, and the enterprise was abandoned. But the English in Virginia recognised the Dutch occupancy in official documents; and the land forming once the "Territories of Pennsylvania," and now the State of Delaware, was considered a Dutch possession, forming, with Pennsylvania, a part or appendage of the New Netherlands, as New York was called by its first inhabitants.

In 1637 the Swedes commenced a settlement on the Delaware. Their purchase from the Indians extended from Cape Henlopen, up the Delaware, to the Falls, opposite Trenton, about thirty miles above the present site of Philadelphia. This tract was called New Sweden. The settlements of the Swedes extended up to the present site of Philadelphia, and even beyond it. The land on which Philadelphia is built was purchased in part of Sven Schute, or Captain Sven, (anglicised, Swan,) by William Penn, who gave him other tracts for it; and also extinguished other Swedish titles. This Swedish family resided with others at Wiccaco, now within the limits of Southwark. There the Swedish settlers built a log church on the site of the present

Swedes church, which was erected in 1700. The name of the Sven's Sæner, or sons of Sven, afterward softened into Swanson, is preserved in the name of a street in Southwark.

In 1655, there having been various skirmishes and clashings of jurisdiction, most of which belong to the history of the Territories, now the state of Delaware, Governor Peter Stuyvesant, of New Netherlands, came up the Delaware with seven ships, and six or seven hundred men, took fort after fort, and established the sovereignty of the New Netherlands over New Sweden. The principal officials were compelled to leave the colony, but private citizens were encouraged to remain, and had their land titles confirmed to them. Thus, though under Dutch government, the colony still remained Swedish, and was increased by further immigration of the same people. They built churches and maintained the Lutheran worship, were friendly with the Indians, and had a great and happy influence over them. Altogether their presence was a most propitious introduction to Penn's enterprise. Many Friends from Jersey settled among them, finding them congenial and hospitable. There were at the time of Penn's arrival seven places of worship. The Dutch had one at New Castle; the Swedes, three, one at Christiana, one at Tinicum, and one at Wiccaco; and the Friends three places of meeting, one at Chester, one at Shackamaxon

(now Kensington,) and one near the Falls of the Delaware.

We may remark, that there was a settlement at Minisink, on the Delaware, above the Blue Mountains, long before Penn obtained his charter. These settlers were Hollanders, and their settlement was probably the oldest of any extent made in Pennsylvania; and the road connecting their tract with Esopus, New York, was the first good road of any length made in the United States. During the Dutch occupancy, there were extensive mines worked, of which the traces still remain. The settlements of the Dutch at Esopus were commenced as early as 1623, perhaps 1616.

The Dutch and Swedes, the former as rulers, the latter as people, continued in occupation of the Delaware till 1664, when the province of New Netherlands was seized by the British government, and by Charles II. presented to the Duke of York. The duke granted a patent for New Jersey, which had formed a part of New Netherlands, to Lord Berkeley and Sir George Carteret. In 1672 the Dutch recovered possession of the New Netherlands, but restored the province to England by the treaty of 1674. The Duke of York, to make his title unquestionable, obtained a new patent, and under this his jurisdiction in the Territories, as well as the tract afterward called Pennsylvania,

was reasserted and defended. Penn, having obtained the grant of Pennsylvania from the crown, with the Duke of York's concurrence, obtained the Territories directly from the duke.

This short resumé of the colonial history, prior to Penn's arrival in this country, may serve to put his claim in a true light before the reader, and to explain the force and meaning of the following expressions in a letter to his steward, at Pennsbury, written immediately upon his reaching England. "Phil. Lemain has most carelessly left behind the York papers that Thomas Lloyd brought, and should have come as the ground and every strength of my coming, so I am now here with my fingers in my mouth. He would not have done me a worse injury, nor balked a greater service, if he had had the bribe of £1000 to do it. Wherefore let him be quickened to send them by the first ship that comes of Maryland or Virginia. Let Thomas Lloyd step to York, and get fresh affidavits of the three men, that can swear the Dutch possession of river and bay before Baltimore's patent, in the governor's presence, and under the seal of the province."

Penn had, however, a friend in the Duke of York upon whom he could rely; the more especially, as to admit Baltimore's claims was to invalidate his own patent, and to make illegal the resistance to the claims of Baltimore which

had been made by the New York authorities before Penn had any interest in the subject. So, though Penn was advised of Lord Baltimore's departure for England in March, he delayed to follow him until he had completed the organization of his colony, but contented himself with writing to the Duke of York, and begging a stay of proceedings till he should arrive. During his short residence in the colony, he accomplished so much that it was much to be regretted that any cause induced or compelled him to leave. He had made treaties with nineteen nations or tribes and subtribes of Indians, and so amicably and fairly dealt with them, that the first difficulty which occurred with the Indians, many years after, resulted from a departure from his policy. And the administration of his government, which proceeded so quietly during his stay, was soon in confusion after his departure.

Perhaps some key to the difficulties which followed Penn's departure may be found in the fact, that he reserved too much, or assumed too much to himself, as general director and authority of last appeal—just as some too careful parents leave their families no discretion. We find, for instance, that just before he left he was called upon to settle a dispute relative to the river bank. The owners of the lots adjoining claimed the right to build vaults or stores on the bank opposite to their property. Penn decided

that they had no more right to do this than those who held lots farther back. The original intention was to reserve the river bank as an elevated public promenade, for the common use of all, and to promote the health of the city. Growing business defeated this purpose, which was indeed incompatible with the wants of a commercial community; and the river bank, reserved for the public, became, at last, and when Penn most needed it, a source of revenue to him by the sale of the lots.

Some facts and anecdotes relative to the primitive appearance and early settlement of the capital city will not be uninteresting here. Philadelphia is fortunate in possessing one of the most indefatigable of annalists and antiquarians in John F. Watson, Esq., of whose labours we avail ourselves. Anecdotes and personal traits and adventures give a life and interest to history which mere public detail cannot supply. Chester, tradition says, was first looked upon as the site of the chief city, but its location did not answer the views of William Penn. The first settlers chiefly rested there until Penn came over. The commissioners whom Penn despatched to look out for the site of a town were directed to sound the creeks, especially at Chester. The great features which Penn desired to preserve, were high dry banks, suitable for the purposes of commerce, and houses so disposed that the place

should be a great country town, which would never be burned, and always wholesome. As early as 1677, attention was called to the convenience of the site of Philadelphia for a town. The first vessel that visited Burlington, in veering round when opposite the seat of the future city, struck the trees with her yard-arms. The Indian name of the place was Quequenakee, or Coaquannock, a name signifying a grove of tall pines; for the high banks were lined with magnificent forest trees. Among the vessels which preceded Penn, many proceeded up to Burlington, all the passengers finding accommodation impossible at Chester, and many, no doubt, having friends and connections among the Friends already settled in New Jersey. One of the passengers relates, as the tradition is preserved in Watson, that the vessel in which she took passage, made fast, at nightfall, at Coaquannock, mooring to the trees. The captain in the morning took a stroll on shore, and finding his way to the River Schuylkill, was in raptures with the place as a fine location for a town. This was reported, while the commissioners were still in doubt, having investigated the claims of many sites, and it led to their final choice of Philadelphia. A better could not possibly have been made. It was determined upon, subject, no doubt, to Penn's revisal, before his arrival, and buildings had already commenced, as we have

already seen when he landed at his new city. Some progress must therefore have been made in the laying out the streets, and arranging the plan of the town, according to the instructions which Penn had given to his commissioners.

The reserve of the river bank answered a useful temporary purpose. The settlers who were obliged to wait for their allotments of land, contrived such impromptu residences as would serve their present need. They made in the bank an excavation about three feet in depth, and over this excavation constructed a roof of layers of limbs, split trees, brush and twigs, usually sodding over the whole. The chimneys were made of stones and clay and river grass. Some of these dwellings were so well constructed that they lasted for many years, serving for the temporary accommodation of successive arrivals of emigrants. Others were occupied by "squatters," who remained in defiance of decrees of council that they should remove, and many of these places became tippling-shops, and public nuisances. Some of the best families in the country were glad in their necessity to make use of such accommodations; for nearly thirty ship loads of emigrants arrived at the new country within less than two years from Penn's obtaining his grant and issuing his proposals. The colonists, in their native land, had been principally persons of competence, farmers, tradesmen and

mechanics. Some few brought with them the materials for houses, ready to erect; and many of the better buildings were planned in England. The carved and elaborated portions of the woodwork of Penn's mansion at Pennsbury and his house in Philadelphia were brought from England.

In one of these caves was born John Key, the first born in Pennsylvania of English parentage. William Penn made the child a present of a city lot, to commemorate the event. He was born at the foot of Race or Sassafras street, and his property was nearly opposite the corner of Race and Crown. The first births among the colonists were, however, on shipboard during the passage over, and one of these children was appropriately called "Sea-Mercy."

Incidents related by contemporaries, and preserved in letters and traditions, will give the reader a better idea of early scenes and difficulties than can be done by any attempt at description. We copy such a relation from Watson. Mrs. Deborah Morris, who died at the commencement of the present century, distributed by will, among her friends, various relics and heir-looms which she had preserved. She accompanied these gifts with their history. The following is an extract from her will: "The large silver old-fashioned salver I give to my nephew Thomas Morris, was given to my dear

parents by my mother's aunt, Elizabeth Hard, a worthy good woman, (she being the first orphan ever left in charge of George Fox's Society of Friends in England,) whose sweet innocent deportment used to give me high esteem and regard for the ancient people. She came from England with William Penn and other Friends. My grandfather and grandmother had arrived two years before, and settled in the Jerseys; but when they heard that Elizabeth Hard designed to come to Philadelphia, they removed thither before her, and had just got settled in a cave on the bank of the river when my dear aunt Hard arrived.

“She esteemed it a divine Providence thus to find her sister, whom she had not seen for some years, thus ready to receive her in the cave. There they dwelt together until they could build. I remember, while writing, one passage among many others which she related, which I have often pleasingly thought of, as it has raised my hopes and increased my faith and dependence on that Arm which never failed our worthy ancestors. It was with them, supporting through all their difficulties; and many difficulties attended them in settling a new country. In hopes of its being as profitably remembered by my cousins as myself, I'll repeat it, to wit:—All that came wanted a dwelling, and hastened to provide one. As they lovingly helped each other,

the women set themselves to work they had not been used to before—for few of our settlers were of the laborious class, and help of that sort was scarce. My good aunt Hard thought it expedient to help her husband at one end of the saw, and to fetch all such water to make mortar of as they then had need to build their chimney. At one time, being over-wearied therewith, her husband desired her to forbear, saying, ‘Thou, my dear, had better think of dinner.’ On this, poor woman, she walked away, weeping as she went, and reflecting on herself for coming here, to be exposed to such hardships, and then not know where to get a dinner, for their provision was all spent except a small quantity of biscuit and cheese, of which she had not informed her husband; but thought she would try which of her friends had any to spare. Thus she walked in toward her tent, (happy time when each one’s treasure lay safe therein,) but was a little too desponding in her mind. For this she felt herself closely reproved, and as if queried with,—‘didst thou not come for liberty of conscience,—hast thou not got it,—also been provided for beyond thy expectation?’ Which so humbled her, she on her knees begged forgiveness and preservation in future, and never repined afterward.

“When she arose, and was going to seek for other food than what she had, her cat came into

the tent, and had caught a fine large rabbit, which she thankfully received and dressed as an English hare. When her husband came in to dinner, being informed of the facts, they both wept with reverential joy, and ate their meal, which was thus seasonably provided for them, with singleness of heart. Many such providential cases did they partake of:—and thus did our worthy ancestors witness the arm of divine love extended for their support.”

As a memorial of the hunting feat of puss, a device representing a cat seizing and bearing off a rabbit was engraved on a silver tureen, still in possession of some of the descendants of the family. Another case is related in which the furnishing of food to settlers, was the act of a wolf. A young girl, a few miles from the Delaware, found a deer driven into a creek by a wolf, and secured the frightened animal by fastening his horns to a tree with a halter, until aid arrived to secure him, the wolf decamping, alarmed in turn at the human captors. Pigeons, “with shocking tameness,” were knocked down for food. The Indians furnished game, and were kind to the early settlers; and in several instances, preserved by tradition, took care of the children in isolated cottages, while the parents were called away by business. The supply of food from sources less precarious than such as we have related soon became abundant. Many

articles, even to salted meats, were brought to the colony by the settlers, and afterward imported by them from Europe, as appears from Penn's memoranda of expenses. The greater part of the early settlers were persons who did not lack for means; and when a poorer class came as servants, their time being sold to pay their passage hither, the labour of such provided abundant food.

We have now noted with as much minuteness as our space permits the primitive settlements of Pennsylvania. We have space only to observe that the emigrants, for the two first years, included settlers from England, Ireland and Wales, Holland and Germany. The first Germans who came over were Friends, some of them probably the founder's proselytes; for they came from the Palatinate, and the very vicinity which Penn visited with Robert Barclay. They founded Germantown. The Welch, who came over in large numbers, have perpetuated the names of their former residences in many names of towns and counties, in the first settled portions of Pennsylvania. So also did the English and Irish. For many interesting traditions, the reader must refer to local histories and memorials, with which Pennsylvania is richly supplied.

## CHAPTER VI.

Aspect of things in England—Penn's difficult position—Death of Charles II., and accession of James—Penn's account of events—Proclamation of James in Philadelphia—Impeachment of Nicholas Moore—His refusal to plead—Other colonial difficulties—Rumours with England—Extracts from Penn's correspondence—His influence at court—Monmouth's insurrection—Venality and cruelty—Vindication of Penn—Threatened colonial difficulties—Dangers to the proprietary governments—Penn appoints a board of commissioners—Their instructions—Appointment of a lieutenant-governor—Stormy administration—Penn's embarrassments—Neglect by the colony of the proprietary's wishes—Revolution of 1688—Political suspicions against Penn—Persecuted by his enemies—He is compelled to abandon a visit to his colony—His forced retirement, and pecuniary losses.

WILLIAM PENN arrived in England in October, 1684, but his proceedings in the business of the boundary were delayed, as already stated, by the discovery that certain necessary papers were left behind. According to his own statement, he found matters at court less propitious than at any previous time. The court was "sour and stern, and resolved to hold the reins of power with a stiffer hand than heretofore, especially over those that were observed to be church or state dissenters; conceiving that the opposition which made the government uneasy, came from that sort of people, and therefore they should

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either bow or break. This made it hard for me, a professed dissenter, to turn myself—for that party having been my acquaintance, my inclination, and my interest too, to shift them I would not, to serve them I saw I could not, and to keep fair with a displeased and resolved government, that had weathered its point upon them, humbled and mortified them, and was daily improving all advantages against them, was a difficult task to perform."

In this delicate position William Penn's sagacity was put to proof; "being one day well received at court as proprietor and governor of a province of the crown," and the next arrested by the underlings of the police as a dissenting preacher, and the third day "smoked [watched we presume by spies] and informed of, for meeting with men of the Whig stamp." He had, indeed, a difficult part to play. The members of his religious sect looked to him, as a leader, for the exertion of his influence with the king and the duke. The whigs and republicans with whom he fraternized were not without their expectations of service. His own conscience and inclination looked the same way; and we must suppose him more than mortal if his self-love was not also urged to show that the influence which he was reputed to hold was a fact, and not mere rumour. Indeed, through all his connection with the court in the reigns of Charles and James, we

never find him denying the power he was supposed to have—but always on the alert to exercise it, and always, it must be conceded, in the cause of humanity. If he made any profit of his interest, it was not from his persecuted clients, nor from the victims of political persecution whom he defended, but in the mode indicated in the following extract from his own declarations: “I cast about in mind what way I might be helpful to the public, and *as little hurtful to my own concerns as I could*, for I had then a cause depending about bounds of land in America, with the Lord Baltimore, before the council, that was of importance to me.” This cause was unsettled at Penn’s death. There were also other movements in relation to the colonies, in regard to which Penn felt it necessary to be vigilant. The inconveniences which his colony suffered by his absence led to the underrating of his motives for remaining in England; especially by colonial authorities, and those historians who have followed them. That his interests, and those of Pennsylvania, would have been better promoted by a residence in his colony is now generally supposed; but we must remember that it is easier to pronounce an opinion on the past than to decide what to do in a present difficulty.

While debating what course to pursue, Penn found exercise for his active temperament and philanthropy in pleading the cause of single

sufferers for conscience' sake, the "times being too eel" for public appeals or extended movements. But in February, 1685, a new complexion was put upon public matters by the death of Charles II. King James peaceably succeeded, though not without great alarm among English Protestants, churchmen and dissenters, on account of the new monarch's undisguised adherence to the Romish church. No better brief account of the accession of James and his first measures has been written than that found in a letter of Penn to his friend Thomas Lloyd. Immediately upon the death of Charles, and James's accession, a "proclamation followed, with the king's speech, to maintain the church and state as established, to keep property and use clemency. Tonnage and poundage, with the excise, are revived *de bene esse*, till the Parliament meet. One is now choosing. The people of Westminster just gone by to choose. It sits the 19th of third month next. In Scotland, one next month. Severities continue still, but some ease to us faintly promised. *Be careful that no indecent speeches pass against the government*, for the king going with his queen publicly to mass gives occasion. He declared he concealed himself to obey his brother, and that now he would be above board; which we like the better on many accounts. I was with him and told him so; but, withal, hoped we should come in for a share.

He smiled, and said he desired not that peaceable people should be disturbed for their religion. And till his coronation, the 23d, when he and his consort are together to be crowned, no hope of a release; and, till the Parliament, no hope of a fixed liberty. My business, I would hope, is better. The late king, the papists will have, died a Roman Catholic; for he refused (after his usual way of evading uneasy things, with unpreparedness first, and then weakness,) the Church of England's communion, Bishop Ken, of Wells, pressing him that it would be to his comfort and that of his people to see he died of that religion he had made profession of while living; but it would not do. And once, all but the duke, Earl of Bath, and Lord Feversham were turned out; and one Huddleston, a Romish priest, was seen about that time near the chamber. This is most of our views. The popish lords and gentry go to Whitehall to mass daily; and the Tower, or royal chapel, is crammed, by vying with the Protestant lords and gentry. The late king's children by the Dutchess of Portsmouth go thither.

“Our king stands more upon his terms than the other with France; and though he has not his brother's abilities, he has great discipline and industry. Alas! the world is running over to you: and great quantities together is to put the sale of lands out of my own hands, after I had

spent what I got by my own in the public service, for I am £3000 worse in my estate than at first. I can say it before the Lord: I have only the comfort of having approved myself a faithful steward, to my understanding and ability; and yet I hope that my children will receive it in the love of yours when we are gone. \* \* \* Keep up the people's hearts and love. I hope to be with them next fall, if the Lord prevent not. I long to be with you. No temptations prevail to fix me here."

So wrote Penn at the beginning of his long absence; and the earnest desire which he then felt to return to America failed after many delays, and was diminished no doubt by the very occurrences in Pennsylvania which rendered the need of his presence the greater. Private letters like the above, written in confidence, are interesting as developing character. The "alas!" at the increase of emigration is an honest regret at the sales of land in large lots, which gave the profits of the transaction to speculators. As settlers bought, it was in smaller lots of the first purchasers, and thus Penn lost what he might have received by the enhanced value which increased emigration gave to eligible lands. He might have much increased emigration by the issue of new proposals, but friendship for the king, and wise caution, forbade his taking advantage of the popular fears, by proclaiming the

advantages of an asylum from persecution and oppression in the new world.

King James was duly proclaimed in Pennsylvania, on the 22d of April, 1685. The style of the proclamation may interest our readers:—  
“Pennsilvania:—Wee the President and Provinciall Councill, accompanied with the representatives of the Freemen in Assembly, and Divers Magistrats, Officers, and other Persons of note, doe in Duty and in concurrence with our neighbouring Provinces, Solemnly publish and Declare that James, Duke of York and Albany, by the decease of our late Sovereign Charles the Second, is now become our Lawfull Liege Lord and King, James the Second of England, Scotland, France and Ireland; and (amongst others of his dominions in America) of this Province of Pennsilvania and its Territories KING; To whom Wee acknowledge faithfull and constant obedience, hartily wishing him a happy Reign in health, peace and prosperity. And so God Save the King!”

The first difficulty which occurred in the province of a public nature, grew out of some alleged misconduct of Nicholas Moore, whom Penn had appointed chief-justice. Mr. Moore was at the same time member of the assembly, and was also President of the Free Society of Traders. Articles of impeachment were prepared against him, charging him with violence, partiality, and

negligence, as chief-justice, in a cause in which the traders were interested. He had incurred the anger of the house by three times in one day entering his single protest against bills introduced without the previous publication required by the charter. He refused to appear and plead to the impeachment before the council, and was thereupon enjoined to cease acting in any place of authority or judicature till the articles of impeachment were examined. What were the charges does not clearly appear, but they could not have been of very great weight, since Penn, in alluding to them, says, "that may be a mighty political vice which is not a moral one." Moore also received high evidence of Penn's confidence, though he certainly had no great personal liking for him, since he speaks of him and Patrick Robinson, as "most unquiet and cross to Friends." Robinson was clerk of the provincial court, and refused to produce before the assembly the court records without an order from the bench; and as the bench was not obedient enough to order evidence to be produced for its own trial, the records were not forthcoming. The assembly requested the council to declare the contumacious clerk unqualified to hold any office, but it does not appear that this was done.

The letter of Penn's request, that "no indecent speeches pass against the government," was fol-

lowed in the case of one John Curtis, a justice of the peace, who, for certain "treasonable and dangerous words against the king," was dismissed from his office, and required to find surety in three hundred pounds to keep the peace. Charges of extortion were made against several officers of government; the "caves" were said to be places of gross immorality, and altogether the good city of Philadelphia was in a state of much disquiet. The echo of the criminations and recriminations of the disputants across the Atlantic seems to have been much greater than the facts warranted. The worthy proprietary's uneasiness may be judged of by his correspondence. In a letter addressed in 1685 to the magistrates of the colony, he says:—

"There is a cry come over unto these parts against the number of drinking houses and looseness that is committed in the caves. I am pressed in my spirit, being very apt to believe too many disorders in that respect, strictly to require that speedy and effectual care be taken:—First, to reduce the number of ordinaries or drinking houses, and that without respect to persons:—Such are continued that are most tender of God's glory and the reputation of the government; and that all others presuming to sell, be punished according to law:—I desire you to purge those caves in Philadelphia; they are worse by license and time:—the three years are

expired;—I would have the suspected forthwith to get up a housing elsewhere; and the empty caves to accommodate the poor families that come over; though they must not stand long before men's doors."

In reference to the disputes among the officials, Penn writes:—"I am sorry at heart for your animosities; cannot more friendly and private courses be taken to set matters to right in an infant province, whose steps are numbered and watched? For the love of God, me, and the poor country, be not so *governmentish*, so noisy and open in your dissatisfaction." There is often a pith in Penn's language which carries a world of meaning. That word "*governmentish*," correct for the nonce, could not be surpassed in expressiveness. In regard to the extortions charged against some of his colonial officers, Penn writes:—"It is an abominable thing to have three warrants for one purchase; 'tis oppression that my soul loathes. Several things and sums besides are set down, that are not in law nor in my regulations." In another letter he declared "the Province disgraced" by these circumstances; and in reference to the disputes of the provincial officers said, "their conduct herein had struck back hundreds, and was £10,000 out of his way, and £100,000 out of the country."

The year 1685 was a year of sad confusion and

suffering in England. Penn had taken lodgings for himself and family in Kensington, where his doors were besieged by hundreds of applicants at a time to obtain his influence at court in the removal of disabilities or oppressions under which they laboured, or for the pardon of friends. His own business, meanwhile, was delayed, "thrown off," he says, "with other people's; first by the late king's death, then the coronation, next the Parliament, now this insurrection, almost over, for the Duke of Monmouth is taken." The capture of Monmouth was followed by sanguinary severity against his adherents. The duke was beheaded, and the rigour with which the followers of the Pretender were hunted out and executed, leaves a blot upon the history of the English judiciary, and has stamped the judge before whom the forms of trial took place as "the infamous Jefferies." A corrupt court made merchandise of the fears of the implicated, and large sums were paid for pardon or escape from trial, when trial was equivalent to condemnation. Between two and three hundred persons were executed, and about a thousand transported. We allude to this subject chiefly to defend the fame of William Penn, who has been made unjustly to suffer by his connection with the king. The charge has been made against him in a recent work, that he acted as the agent of the court in fleecing the parents of certain school

children in Taunton. The charge against the children was, that they met and congratulated the Pretender, in procession, at the head of which was their teacher. The plunder of these unfortunates having been given to the queen's maids of honour, it is alleged by Macaulay that Penn undertook the collection of it. There is no proof to support an allegation so contrary to William Penn's character; and there is the fact that one George Penne was notoriously employed in such vile work, which makes the conclusion irresistible that William Penn has suffered, though but temporarily, by his connection with a wicked tyrant, and the resemblance of his name to that of a man of miserable reputation. Other charges, such as that Penn was a Papist, that he was guilty of proposing simony, &c., are equally baseless. Some of these slanders were contemporary, others have been invented by the willing ingenuity of an unfriendly historian. But from all charges involving moral turpitude Penn stands fully acquitted. His philanthropy is undoubted, and his honesty of purpose and integrity are unquestionable. Thus much at least duty requires the historian of Pennsylvania to say of the founder of this great commonwealth.

But the course which Penn did take must be admitted to have been injudicious; though even against this is to be pleaded his desire to benefit

his kind, and the immediate results of his conduct were beneficial to hundreds. The king assumed the responsibility of suspending the law, and Penn stopped not to inquire into the strict legality of the proclamation of religious tolerance, and the abolition of tests. If the Romanist party were benefited, so were the Quakers, in common with other dissenters; and though Penn was disposed to make the most of partial relief, he was not blind to the fact that the ultimate disposition of the matter rested with the Parliament. "Till the Parliament," he says in a letter already quoted in this chapter, "no hope of *fixed* liberty." That Penn did fathom the king's true motive for tolerance, the reinstatement of the Roman power, is hardly to be doubted; and it cannot be wondered that he had less objection to this, since it necessarily opened the door for all dissenters. "It is a time," he said in one of his letters, "*to be wise.*"

The watching of his infant colony, to which he refers in one of his letters, by its enemies abroad, had an important significance to William Penn. He feared that the disorders there, exaggerated as they were, would be made use of to strip him of his government. The cumbrous machinery of proprietary establishments, with a third party between the crown and the distant subjects, was beginning to be called in question. In 1686 a

writ of *quo warranto* was issued against the proprietaries of New Jersey, a proceeding which resulted in their surrender of jurisdiction. The New England charters had been superseded. Penn was justly alarmed at such omens; and we cannot wonder that he remained at court to guard his interests, though at the injury of his reputation.

While he still remained in England he took steps, as judicious as he could conceive, to obtain that peace and efficiency in his government which would remove the pretext to deprive him of his province. He vested the gubernatorial powers, at first left with the council, in five commissioners, whose warrant was read in the council, in the month of February, 1688. Thomas Lloyd was at the head of the board. Nicholas Moore, the former judge, was originally appointed one of the commissioners, but never served, his death occurring about this period. In his instructions and letters to these commissioners, Penn gave them all powers which he considered himself to possess, reserving to himself the confirmation of what was done. He directed them to enforce a better attention to their public duties on the part of the Provincial Council, for he says:—"I will no more endure their most slothful and dishonourable attendance, but dissolve the Frame without more ado: let them look to it if further occasion be given." If the

council was obstinately remiss, the commissioners will "take such a council as they thought convenient." They were directed to abrogate all laws which had been passed in Penn's absence, to dismiss the assembly, "call it again," and pass such laws as should seem meet to the new legislature and executive. He required them to "inspect curiously" the proceedings of the council and legislature, and report to him in what way they had broken the charter. It is evident from these instructions that Penn feared the forfeiture of his charter by the crown, and to avoid this "greater inconveniency," directed these measures. But it does not appear that the commissioners attempted either to supersede the regularly elected council, or to annul the laws which had been passed previously to their appointment. They held office about two years, and were then succeeded by John Blackwell.

Penn, being wearied with the jars of his colonists, was willing to try a deputy who had not mingled in their disputes. Thomas Lloyd wished to retire from political life, and in concurrence with his advice against a divided executive, Penn appointed Blackwell lieutenant-governor. The new governor had been an officer under Cromwell, but proved to be deficient in the tact necessary to manage the colony. He remained in office little over a year, and it appears to have been a year of continual clashing between

the governor and the assembly and council. He attempted many infractions of the privileges of the coördinate members of government, and seemed to succeed in nothing but making himself universally unpopular. He was recalled in 1689, and the government devolved again upon the council, of which Thomas Lloyd was president.

William Penn's province had now become more than ever a sore vexation to him. His quit-rents were in arrears, and he was obliged to furnish money for the support of his establishment at Pensbury. The provincial government neglected the supply which they had promised him; he received "not so much as a beaver skin, or pound of tobacco," as a present; and he declared himself determined not to defray out of his private fortune his charges in a public office. He requested in vain for copies of the laws which had passed the provincial legislature, and had certainly great ground of complaint of those for whom he had expended so much. And, on the other hand, there were not wanting extenuating considerations in relation to the neglect of the colonists. They regarded the founder as wealthy, while they felt their own poverty, or, in nominal competence, their inability to answer demands for money. They were harassed by changes and divisions, to which they thought Penn's presence would have

put an end. The tie of affection, and the consideration of respect for their proprietary, were growing weaker every day.

Meanwhile, Penn's residence in Europe had become unpleasant, and even hazardous. By the revolution of 1688, James II. was driven from the throne, and Penn became the object of suspicion as a friend of the abdicated monarch. All the old slanders\* were revived against him, and he was accused of plotting the restoration of James. He was thrice examined before the privy council, and thrice discharged. But when a fourth time proceedings were commenced against him, early in the year 1691, the circumstances were such as made it the part of prudence to avoid to answer, and to remain concealed. He was accused by a perjured wretch of complicity in a plot to restore James to the throne, and barely escaped arrest while attending the funeral of George Fox. Knowing the reckless and abandoned character of his accuser, he esteemed it wiser to wait in concealment the establishment of his innocence, than to confront an accuser so vile. What made this occurrence doubly unfortunate was, that it took place in the midst of William Penn's preparations for a new colony. He had issued proposals, and obtained a large company of adventurers. The government had promised him a convoy for his passenger vessels, and he was on the point of sail-

ing. All was abandoned, and for three years William Penn remained under a sort of informal duress. His accuser was, during that time, declared infamous, and sentenced to the pillory; and with that revelation of the character of the accuser, the accusation fell to the ground.

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## CHAPTER VII.

News of the revolution received in Philadelphia—Action of the council thereon—Separation of the territories from the province—Two deputy-governors—George Keith—The jurisdiction of the governor of New York extended over Pennsylvania—Administration of Governor Fletcher—He appoints Colonel Markham his deputy—William Penn reinstated—He continues Markham as deputy-governor—Death of Mrs. Penn—Of Thomas Lloyd—Markham's administration—New act of settlement—Its democratic features—Charges of piracy and illicit trade—Arrival of William Penn in his colony—His welcome—Birth of "The American"—Penn meets the legislature—His activity in his government—New charter of privileges—Charter of Philadelphia—Differences about titles and quit-rents—Failure to obtain money for colonial defence—Rumours of intended changes in the charters—Return of Penn to England.

THE first rumour of the abdication of James II. appears to have been brought to Philadelphia by Zachariah Whitpain, who arrived "about middle-night," January 23d, 1689. The said Zachariah was on the next day examined before the assembled council, relative to rumours which

he reported as current in London on "the 10th or 12th of Xbre." His statement was reduced to writing, Zachariah was "deposed to the truth thereof," and it was entered on the journal of the council. It was not, however, until the first of the next November that the form of papers issuing in the king's name was changed in consonance with the new order of things. A declaration was drawn up, passed, and signed by the governor and ten counsellors. In this were recited the facts of the action of Parliament, and the actual reign of William and Mary; and although the provincial authorities had received no formal instructions, they made manifest their loyalty and obedience by this declaration. All officers were directed to govern themselves accordingly, and all to abide in their stations, "Roman Catholiques only Excepted."

By the return of Governor Blackwell to England, the government of Pennsylvania devolved upon the council, which elected Thomas Lloyd president. But the province and the territories could not work harmoniously together. The territories had long been dissatisfied at being overshadowed by the province. Philadelphia increased at the expense of New Castle, the custom-house and commercial business of the province and territories having been transferred to the new city. The proprietary had left the colonists their choice, to be governed by five commis-

sioners, by the council, or by a deputy-governor, as they should prefer. Pennsylvania chose the latter; and the delegates from the territories, being in a minority, withdrew their attendance. Lloyd was chosen by the Pennsylvanians deputy-governor, and Colonel Markham, the secretary of the province, who sided with the members from the territories, was chosen as their governor. The proprietary reluctantly acquiesced in this decision of the government, and issued his commission to both officers. The province and the territories, though under different executives, acted together in legislation until 1693, when a new change, not unexpected to the proprietary, came over the province.

During the joint administration of the deputy-governors, the Society of Friends had a difficulty which gave them great anxiety. George Keith, a member of the society, distinguished for learning and talents, was invited to Philadelphia in 1689, to take charge of a public school established by the Society of Friends. He had been a very active preacher in New Jersey, and soon abandoned the school to resume his preaching, deeming himself in duty required to procure a reform among Friends, of whose discipline he alleged that "there was too great a slackness therein." He was abusive in his language, and spared neither printed nor spoken words against the members of his society. He denied the

right of Friends to issue warrants for the forcible arrest of criminals; and astonished the young colony with seditious words against dignitaries. He told the governor (Lloyd) that "he was an impudent man and pitiful governor;" complimented another magistrate with the title of "impudent rascal;" and altogether conducted himself in so troublesome and seditious a manner, that he was disowned by the Friends, who published a formal testimony against him. He appealed to the yearly meeting in London, by whom the proceedings in America were confirmed. He was also subjected to suits in the provincial courts, as were also his printers. A fine of five pounds was imposed upon him, but it does not appear to have been ever collected. Keith withdrew from the society, and was unwisely admitted to orders in the established church in England, and returned to this country as a missionary. He did not long remain here, however, but returned to England.

The Friends who had followed Keith in his secession soon returned to the fold; and the society recovered from its disturbance. But a serious evil was done to Penn by these proceedings. The rumours of misrule and confusion in Pennsylvania, aggravated by Keith's publications and the replies of the magistrates, gave the crown a pretext for assuming the government: an event which Penn had long dreaded.

The jurisdiction of Benjamin Fletcher, governor of New York, was extended over Pennsylvania and the territories thereunto belonging; and in April, 1693, he took possession of the government. The government was surrendered to him without question, by the provincial authorities; but the Quaker magistrates declined to accept from him a renewal of their commissions. In the commission of Fletcher, William Penn is not mentioned, nor is the fact recognised that any government existed previous to his appointment. His term of government continued little over a year, and there is reason to suppose that he considered it only temporary. He immediately convened the assembly of the province and territories, without regard to their disunion, or to the forms and time of the election, as provided in Penn's charter. The council remonstrated against these infractions, but the assembly met. The test oaths being declined by a majority of the members, they were permitted simply to subscribe the declarations and tests. The administration of Fletcher was remarkable for nothing in the history of the colony, except that the house asserted and procured the right of originating bills, which had been for some time suspended, and never formally granted. Fletcher appointed Markham his deputy; and after some altercation about supplies to the crown, confirmed the colonial laws which were in force at the

time of his appointment. He obtained a supply of money from the assembly at their first meeting; but at a second session was not so successful. William Penn did not approve this refusal; for in a letter quoted by Proud, he complains of there being factious persons in the colony, who disturbed or threatened the tranquillity of the government.

In 1694 William Penn was reinstated in his rights. His true character, and his innocence of any intention to subvert the crown, were made manifest, and a full acquittal by the privy council concluded his political persecutions. His wife, who had shared as an affectionate consort in all his troubles, survived to see him set free, but her death dimmed the joy of his deliverance from suspicion. Embarrassments in his pecuniary relations were now the impediment in the way of his return to Pennsylvania, and he appointed, as his deputy-governor, Colonel Markham. Thomas Lloyd would have received the appointment, but his death took place in September, 1694. Thomas Lloyd was in office from the foundation of the government until his death. He was of eminent service both to the colony and the proprietary. Universally beloved for his virtues and amenity of character, he was marked for his talents and learning. Meek and unostentatious, yet firm and prudent, he had the

rare happiness of commanding the respect and esteem of those who differed from him.

Colonel Markham appears to have acted upon the presumption that the suspension of the proprietary's rule had annulled his Frame of Government. He called the legislature together on the 10th of September, 1695. The governor neglected the charter provisions, and the assembly assented, supposing, as they alleged, that these neglects "were not intended to be brought into example." The governor asked for supplies for the queen's government. The assembly passed such a bill as he desired, but coupled it with another, "containing some fundamental liberties." The governor did not like the dilemma, and postponed it by unexpectedly dissolving the assembly. In November of the next year Governor Markham called another assembly. This proved no more pliant than the other. They met the governor with a remonstrance. He called upon them in the name of the crown for money to "feed and clothe friendly Indians." They granted the money, coupled with the old conditions. To these Markham was compelled to submit, for William Penn had given the crown a pledge that his colony should contribute to the general defence. In a letter to some of his friends in the colony, Penn had blamed the assembly for "refusing to send money to New York for the common defence," and expressed his apprehension

that the government would be "overset again by such refusal."

The bill of settlement passed by the assembly, and signed by Markham, but never approved by Penn, was, in fact, a third frame of government, and more democratic than the others. It dispensed with the delay of publishing bills before they were enacted, gave the assembly the right to originate acts, to sit on its own adjournments, and to remain in session during the term for which it was elected. These were important provisions, and their wisdom is shown by the quiet which the colony enjoyed. Rumours about piracy and charges against the moral character of the settlement were published in England, and caused an earnest remonstrance from Penn. It appears that the Delaware was the frequent resort of privateers and pirates; but by these visits the colonists were sufferers instead of being benefited. The governor and council in February, 1698, issued a proclamation, calling on the magistrates to exercise increased vigilance against loose living and practices, and vindicating the province against exaggerated rumours.

On the first of December, 1699, William Penn arrived at Chester, on his long-promised return to Philadelphia. He came accompanied by his wife and his daughter Letitia. Penn's second marriage was with Hannah, daughter of Thomas Callowhill, of Bristol. She was a woman of

great prudence and strength of mind, as subsequently appeared in her connection with Pennsylvania as his survivor and administratrix. James Logan came with Penn as his secretary. This gentleman was, from the date of his arrival till the time of his death, identified with the history of Pennsylvania. The landing of Penn at Chester was clouded by an unfortunate accident. Some young men engaged in the strange compliment of firing a salute with a small piece of ordnance. One of them received an injury which resulted, in the spring following, in his death. The expenses of his last days and the cost of his interment were defrayed by William Penn.

Penn arrived at Philadelphia on a Sunday. After a visit of form to the house of his lieutenant-governor, he went, followed by the crowd, who had assembled to greet him, to Friend's Meeting. Here he took part in the exercises; and, after their close, repaired to his lodgings.

The circumstances of the time were such as to give a peculiar solemnity to the meeting; for the city and some parts of the colony had just recovered from the ravages of that fearful epidemic, the yellow fever. In the respect which was shown him, and the cordiality with which he was received, Penn found some recompense for his past misfortunes.

Logan thus writes to Penn's son of his father's reception: "The highest terms that I could use

would hardly give you an idea of the expectation and welcome which thy father received from most of the honester party here. Friends generally concluded, that after all their troubles and disappointments, their province now scarcely wanted any thing more to render it completely happy. The faction that had long contended to overthrow the settled constitution of the government received a universal damp, yet endeavoured what mischief they could by speaking whispers that the proprietary could not act as governor without the king's approbation, and taking an oath as obliged by act of Parliament: but that, in a great measure, soon blew over." Penn's wife was well received; and his domestic attachments to his colony received promise of a new tie in the birth of John Penn in a couple of months after his arrival. This son was called "The American," being the only one of Penn's children born in this country.

Penn summoned the assembly to meet as early as possible after his arrival, and pressed upon the members the importance of further legislation against piracy and contraband trade. Two acts were passed with this purpose. A member of the house from one of the lower counties, being accused or suspected of connection with the Bucaneers, was expelled; but it does not appear that the charge was substantiated against him. It seems to have been the practice in the

early days of Pennsylvania, when a member of the council or assembly was accused of malpractices, to require him to give up his seat till he could prove himself innocent. Several meetings of the assembly took place during Penn's visit to the country—for a visit only it proved, though he designed to make Pennsylvania his permanent residence, and had come over for that purpose. He applied himself with great industry to the settlement of the colonial laws and liberties, renewed his treaties and intercourse with the Indians, and found time also to apply himself to the interests and welfare of the Society of Friends. His characteristic activity and his personal influence effected so much, that the inconvenience of his absence from his colony was the more sensibly felt and deplored by comparison with the benefits of his presence.

The union of the province and territories continued still to be a subject of difference. Under Colonel Fletcher, the discordant parties had been forced into a union, and upon Penn's arrival they took early opportunity to move for its abrogation. The subject of a new frame of government occupied the attention of the assembly and governor. Penn had never approved that passed under the administration of Governor Markham. The frame was not completed until October, 1701; and it was then accepted under the spur of haste, Penn being on the point of

returning to England. The new charter dispensed with the elective council, and vested the legislative power in the governor and assembly. The assembly was composed of four members from each county, which number might be increased by law. The assembly had all the powers and privileges which are now recognised as belonging to a legislative body. Sheriffs were elected by the people and governor, the freemen in each county returning two persons, one of whom the governor appointed. There was no provision for a judiciary in the charter, and no recognition of the council, except a provision forbidding the governor and council to take cognisance of any question relative to property, except by appeal from the courts. The province and territories were allowed permission to dissolve their union at any time within three years. To assist the governor in his duties, Penn appointed a council of state, consisting of ten members, who were empowered to consult and aid, with the best of their advice, the proprietor himself, or his deputies. This frame seems to have been prepared with a view to the possibility that the crown would resume the government; and it was so guarded as to protect the proprietor and people from oppression by royal governors. With these objects in view, Penn circumscribed himself to a degree that was afterward discovered to be irksome.

Although Philadelphia appears to have been, before this date, a city in fact; in October, 1701, Penn granted a charter. In this instrument he appointed Edward Shippen mayor, and Thomas Story recorder. He appointed also the first aldermen and common councilmen. By this charter, the government of the city was a close corporation, adding to their own number, and electing the mayor—the latter officer being chosen annually, the others being removable only for misbehaviour.

There commenced, at this period, a series of disputes between the proprietary and the assembly, in relation to the tenures of property, the quit-rents, and other difficulties, to record which would require uninteresting details. These differences continued in one form or other during the term of the proprietary government, being inherited by Penn's heirs, and made the basis of the action of the anti-proprietary party. Obliging and careless concessions, made when the country was first surveyed and land was comparatively valueless, were construed into rights, and quoted as precedents. We find, in reviewing the subject, a selfish spirit on the part of some of the settlers, little consonant with the gratitude which was due to William Penn; and on his side a determined resistance was made to these attempts to control him in the disposal of his private estate.

With these wounded feelings Penn took leave of his colony. A bill was already before the House of Lords to change the proprietary governments in America into regal ones. The friends of Penn in England procured a postponement of the passage of the act till he could return and remonstrate. With these facts before him, he besought the assembly to unanimity, lest difficulties between himself and his people, or between parties in his colony, might furnish his enemies with the very pretext they desired. "Think," said he, "since all men are mortal, of some suitable expedient and provision for your safety, as well in your privilege as property, and you will find me ready to comply with whatever may render us happy by a nearer union of our interest." And again: "Yield in circumstantial, to preserve essentials; and being safe in one another, you will always be so in esteem with me. Make me not sad, now I am going to leave you, since it is for you as well as for me."

The assembly formally desired William Penn, in case he should go to England, that "due care should be taken that he should be represented in the colony by persons of integrity." He offered them the nomination. They declined it, either from inability, modesty, or fear to take the responsibility. He nominated Andrew Hamilton, one of the proprietors of East Jersey, and formerly governor of that colony. James

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Logan was appointed provincial secretary, and clerk of the council. Mr. Logan was also his confidential agent; and to his interest and supervision he intrusted all his private affairs, and such public concerns as required to be conducted rather by influence than express authority. There was much to disquiet the proprietary at his departure, and not the least was that the assembly had proved intractable under the request of the crown for three hundred and fifty pounds for colonial defence. His wife and daughter, as appears by his confidential correspondence, were dissatisfied with Pennsylvania as a residence; and thus he took leave of his colony, in November, 1701, as the event proved, for ever.

## CHAPTER VIII.

Governor Hamilton—Refusal of the territories and the province to unite—Growing opposition to the proprietary interest—First Episcopal church in Pennsylvania—Governor Evans—His character—False alarm of invasion—Consternation and serious consequences—Heroism and consistency of the Quakers—Results of this foolish farce—Fort at New Castle—Bold conduct of a Quaker shipowner—Recall of Evans—Events in England—Penn's position at the court of Queen Anne—His family, pecuniary, and other misfortunes—Governor Gookin appointed—Continued difficulties with the assembly—Refusal to raise money for defence—The governor declines to pass the bills enacted—Incautious admission relative to the council—Logan presents David Lloyd—The assembly acquit their speaker—Logan arrested by the speaker's warrant—He is released by the governor—Letter of William Penn to the assembly—Election of a new house—Restoration of harmony—Close of Governor Gookin's administration.

GOVERNOR HAMILTON'S administration lasted but little more than a year, being terminated by his death, which occurred in April, 1703. In spite of all his efforts, the territories and the province refused to coalesce. The representatives of the former declared, that by acting with the provinces they should recognise the last constitution, which they had not accepted. The separation was final, and all the efforts of Hamilton and his successor failed to produce a reunion. When at last the territories became

tractable, the province discovered that to enact laws by a representative body, a portion of whose members were from a country not included in Penn's grant, would not be legal, but contrary to the charter. They were somewhat late in making this discovery; but when men are determined upon a course, it is not difficult to find reasons for it. Governor Hamilton endeavoured to provide for the defence of the province by the organization of a militia. One company, the first in the province, was formed in Philadelphia, and others were proposed in other parts of the province and territories. The population and policy of the colony now began to lose its Quaker preponderance; and a strong party was forming, which, received with pleasure, rather than with dislike, the proposed change of the government from a proprietary to a regal one. The influence of this party embarrassed Penn in England and his deputies in the colonies; while at the same time the impracticable character of some of the leading Friends in the province defeated or delayed the measures which Penn would have taken to confute the charges against the proprietary government, and the alleged unfitness of the Quakers to rule a colony. Never was a man placed in a more anomalous and embarrassing position. He was compelled to reside constantly near the court, or to provide an agent there to meet the efforts of his opponents;

and stung with the unfriendliness of some of the officers of his own appointment, he directed Governor Hamilton to remove them.

In 1700 the first church holding the faith of the English establishment was opened in Philadelphia, under the direction of Rev. Evan Evans, who was sent out as a missionary by the Bishop of London. The religious faith of the Friends makes so essential a difference in their political creed and sympathies, that adherence to the English establishment was almost necessarily opposition to the Quaker party. The existence of a foreign war added difficulty; for the adherents to creeds opposed to the Friends could not be expected to assent to their posture of non-resistance, and the refusal to appropriate money for the military defence of the colony.

Such was the condition of things when John Evans, appointed to succeed Governor Hamilton, arrived at Philadelphia, in February, 1704. Nothing in the way of legislation had been done in the short interregnum, the council, upon whom the executive authority devolved, not feeling sure of their own powers. Governor Evans remained in office until 1709, and appears not to have administered the affairs of the government with much satisfaction to himself or to the colonists. His desire to be faithful to the proprietary was undoubted, but he had not the discretion or wisdom which was requisite to fill a post so

troublesome. He had little knowledge of human nature, and less tact; unguarded in his language, and loose in his morals. Young, haughty, fond of pleasure, and indiscreet, he forfeited the personal regard of his people, and laboured to compel that respect for his official station which he could not command for his personal character. His recall was at last obtained by the unanimous request of both the proprietary and opposition party; and his ill-advised measures erected the opposition into a formidable interest. His character was justly assailable, and William Penn was held accountable in the public mind for his continuance in office. But Evans would sooner have been removed, could a successor have been found.

It is not necessary to follow all the disputes between the governor and the assembly. One or two prominent events may show the character of the relations between Governor Evans and the people. Having pressed in vain upon the assembly the need of preparations for military defence, he resorted to a foolish stratagem. On the day of the annual fair in Philadelphia, in 1706, Governor Evans procured a false alarm to be spread in the city that the French were approaching, and that their vessels were already in the Delaware. Governor Evans rode through the streets in military array, with his sword drawn, calling on the people to meet under arms,

at a place indicated. Panic seized the population—valuables were thrown into wells—and a general disposition for flight seized nearly all who could run; while the consternation resulted in serious distress, in many instances, among the invalid and the delicate. Several untimely births took place, and the foolish joke was in other respects the cause of bodily and pecuniary suffering. The Quakers, who were holding their religious meeting as usual, sat still amid the confusion with a dignity and courage which would have done honour to a Roman senate, and only four of their members repaired in arms to the rendezvous. Secretary Logan condescended, though a member of the Society of Friends, to play a part in this memorable farce. Under pretence of observing the enemy, he went upon the river, and communicated with the governor by concerted signals. He even stopped a sloop whose arrival would have dispelled the delusion, and caused a pretended French flag to be displayed from her mast. At least such were the charges against him, and such the popular belief.

The imposture was detected before night; and the governor's creatures who had created the false alarm were glad to make their escape from real danger, and to seek in flight safety from the fury of the justly indignant people. The experiment on the sincerity of the Friends was

completely unsuccessful, the governor sank still lower, and the influence of Logan received a shock from which it was long in recovering; though his known excellence of moral character and unquestioned abilities could not be set aside by a single act of folly.

Governor Evans attempted another act of annoyance of a more serious character. Having failed to bring about a legislative union of the territories with the province, the latter becoming unwilling after the former had consented, Governor Evans endeavoured, through the legislature of the territories, to annoy the province. He caused a fort to be erected at New Castle, at which all vessels navigating the Delaware were compelled to report themselves under penalty, and inward bound vessels not owned in the province were compelled to pay a duty of half a pound of powder to the ton. Richard Hill, a Quaker resident of Philadelphia, determined to resist the imposition, and passed the fort without heeding the summons or the guns of the fortification. He stood himself at the helm, and the vessel received no other injury than a shot through the mainsail. The commander of the fort pursued the vessel in an armed boat. As soon as he stepped on board, his boat was cut adrift, and he was carried by his Quaker captors a prisoner to Salem, New Jersey. Lord Cornbury, Governor of New Jersey, and Vice-Admiral of

the Delaware, gave him a severe reprimand, of which Governor Evans, who had followed in a passion, received also a share. So ended the effort to exact river dues from the Pennsylvanians. The navigation of the river was no longer impeded.

During Governor Evans's administration the assembly avoided making any provision for the public defence; but they put their refusal on the ground of poverty. At the next session, after the false alarm above related, when requested to take measures for the public defence, they answered with a spirited remonstrance against the authors of the false alarm. A remonstrance was also forwarded to the proprietary against the governor and the provincial secretary. Articles of impeachment were prepared against Logan, which the governor refused to entertain. The subject of the establishment of a judiciary, a former bill having been refused the royal assent, was another cause of contention; and when his recall was announced, nobody in the province regretted the change.

During the passage of these events in Pennsylvania, the death of William III. and accession of Anne had put William Penn in his old position of favour in England. The bill to change the proprietary governments failed, but an act was passed which put William Penn to some inconvenience. By this law the royal assent was re-

quired to the appointment of deputy-governors, and this statute gave the discontented a chance of remonstrance, direct or indirect, at the time of the appointment, and a colour for appeal to the crown during the official term of the officers who had received the regal sanction. That Penn was in favour with the queen and those near her was a most fortunate circumstance both for himself and his colony. At no time was he under greater embarrassment; and, to increase his distress, his son William, who had accompanied Governor Evans to Philadelphia, proved entirely unworthy, and was guilty of extravagances and excesses which wellnigh broke the father's heart. The enemies of Penn in England were kept advised by their correspondents in America of all that could tend to promote their purposes. Pecuniary embarrassments came in to complete his unhappiness. His great expenditures on the province, which yielded him little or no return, his devotion to public affairs, secular and religious, his neglect of his private affairs, and undue confidence in a dishonest steward, reduced him to great straits. The heirs of the steward commenced a suit, based on extortionate charges, and Penn was confined within the debtors' rules of the Fleet prison. He was relieved from this humiliation by mortgaging the province, and his political rights therein, to certain worthy Friends, who left the province in his direction. They

appointed trustees in the province to superintend their interest, and the loan was repaid from the sale of lands and from quit-rents.

Charles Gookin was the next deputy-governor, and arrived in the province in the month of March, 1709. The assembly, being in a factious spirit, mixed their congratulations upon his arrival with complaints against the former governor. Governor Gookin strove to avoid being entangled in the difficulties in relation to his predecessors, but the assembly soon found pretext to complain against him; and he was involved in as unpleasant an altercation as Governor Evans had been. The public service now urgently required supplies, since an invasion of the French possessions was determined on by the British ministry. Pennsylvania was called upon for one hundred and fifty men; and Governor Gookin, aware of the difficulty of enlisting men, proposed to the assembly to raise four thousand pounds instead.

The assembly, after some delay, replied that they "could not in conscience provide money to hire men to kill each other," but offered, as part of the revenue of the queen, five hundred pounds. This the governor refused as inadequate, and he declined also to confirm any bill offered by the house until they should vote a proper supply. At another session the governor's demand was repeated. The assembly voted him five hundred

pounds again, three hundred for Indian expenses, and two hundred for the governor's own use. This grant was coupled with a condition that he should approve the bills then before him.

Now came another storm. In his message to the legislature, Governor Gookin refused to take any further part in legislation until ample provision had been made for his support. He permitted the fact to appear, that his instructions from the proprietary forbade him to pass any law without the assent of his council, the members of which, it will be recollected, were no longer elected by the people, but were appointed by the proprietary. The assembly were highly offended that a council with advisory powers should be vested with absolute authority, and their wrath fell upon Logan, whose voice it was well understood was predominant.

Logan now retaliated upon his old enemies by preferring to the house, through the governor, charges of impeachment against David Lloyd the speaker. Lloyd was a prominent leader of the anti-proprietary party, and had led the house in the altercations with Governor Evans. Lloyd at once called upon his accuser to substantiate his charges. Logan declined at that time to prosecute the impeachment, as he was on the eve of departure for Europe; but the house at once proceeded to the investigation, and

dismissed the charge as false, scandalous, and libellous.

Logan now called for his trial on the impeachment formerly preferred against him, and in a petition to the house, used language for which he was arrested under the warrant of the speaker. The governor released secretary Logan by a *supersedeas*, directed to the sheriff. The governor based this proceeding on the ground that the assembly had no power to arrest any person not a member of their own body, and he denied also the legality of the assembly. The latter denial was based on the fact that, having failed to meet on the day named in the writ for its assembling, the house was *ipso facto* dissolved. These positions were hardly tenable, but answered the purpose desired, of preventing Logan's detention. He was prepared to go to England, and sailed accordingly.

The results of the conference between Penn and Logan soon appeared in a letter addressed by William Penn to the assembly, and undoubtedly intended for the whole colony. This paper is one of the best which proceeded from the pen of the proprietary, and shows little indication of his advanced age. Calm and courteous, it is still manly, direct, and convincing. He gives a very impartial narrative of the history of the colony and his own services; and he mildly but in direct and strong language

defends his deputies, and recounts the encroachments attempted and effected by the assembly, both upon his political and personal rights. He intimated that if the people endorsed the acts of the assembly by re-electing the old members, he should then understand what course to take. The effect of this letter was remarkable. Not an individual belonging to the late assembly was returned at the next election.

For several years every thing proceeded in harmony between Governor Gookin and the assembly. Two thousand pounds were raised by the assembly for the queen's service. Harmony between the legislature and executive produced its fruits in the regular administration of government, the establishment of the judiciary, the improvement of the revenue, and the subsidence of the animosity of party spirit. Among the acts passed in 1712 was one forbidding the importation of negroes and Indians as slaves. This act was annulled by the crown. The reason for the refusal of the royal assent to the bill was probably based on the ground that it was an interference with the commercial interests of the mother country. The slave-trade was at this time largely conducted by English companies. At the very time that the Pennsylvania legislators were forbidding the importation into their province, the British negotiators of the Treaty of Utrecht were obtaining the contract, or

“*asiento*,” for the South Sea Company, for the annual transportation to Spanish America of not less than four thousand eight hundred negroes. The defeated measure against the slave-trade was not, however, the first which had been taken in Pennsylvania. The Friends, as a religious society, had already moved in the matter.

Governor Gookin’s administration continued till 1717. On the whole it was quiet, but the latter years were made uncomfortable by some illegal stretches of authority, and neglect of duty. In 1716 he chose so to construe an act of Parliament respecting oaths and affirmations as effectually to deprive the Friends from all share in the government of the province, or the administration of justice. Governor Gookin fell into many other follies and weaknesses, until at last the council united in a petition for his removal. He had charged Isaac Norris and James Loyage with disaffection and disloyalty to the British crown; and being called upon, after the arrival of his successor in the government, to substantiate these accusations, he retracted them openly, and pleaded mental derangement as an apology for his conduct.

## CHAPTER IX.

Death of Queen Anne, and accession of George I.—Decay of William Penn—His last hours—His religious and political character—Contemplated sale of the government to the crown—Management of affairs during Penn's illness—Penn's will and heirs—Protracted litigation—Governor Keith—His activity, sauvity, and tact—Meets the assemblies of the territories and the province—His opening message to the latter—Good feeling on both sides—Liberal grant of money by the assembly—A chancery court established by proclamation—A militia created—Expulsion of Ashton from the council—Veto of naturalization law—Measures against convict passengers—Indian relations—Prosperity of the colony—Difficulty between Keith and the council—The governor removes Logan from his offices—Logan visits England, and returns with instructions for his reinstatement—Keith vindicates his conduct, and refuses to comply—He transmits the correspondence to the assembly—Logan memorialises that body—The assembly vote the governor one thousand pounds—Keith superseded by Governor Gordon—Benjamin Franklin and Keith.

DURING Governor Gookin's administration, Queen Anne died, and was succeeded by George I. But an event more directly interesting to the province of Pennsylvania occurred in 1712, in the prostration of the vigorous mind of the Founder of Pennsylvania by a succession of paralytic attacks, which left him in a feeble and helpless condition. Thus he remained until the 30th day of July, 1718, when he died, in the

74th year of his age. Of the last years of his life it was remarked by his friends with much pleasure, that, though incapable of business, his mind was placid and clear upon the religious impressions and associations which had formed so large an element of his character, and so great a part of the business of his life. It was piously believed by his friends, that the affliction which visited him was a mercy, in its forcible withdrawal of his attention from public affairs, and from the embarrassments which afflicted him—that the evening of his days might be passed in religious rest and peace.

So far as he had looked for wealth or honour from being the founder of a state, William Penn's expectations were disappointed. His latest letters exhibit his grief at the failure of his hopes, and his disappointment at the imperfect issue of his great experiment. He found indifference and exaction where he had looked for filial love and reverence, and ever turned from his disappointment in the world to the consolations of the faith he so constantly maintained. The religious life of Penn is the most interesting phase of his character to those who can appreciate it; and the coldest worldly mind must admire even what it cannot understand.

His political sagacity has a wider circle of admirers. Whatever imperfections may have originated from the anomalous position which he

held, and whatever curious blending of feudal notions with liberal and philanthropic views, still the founder was far in advance of his times. While the superficial observer, at this distance, wonders at the few absolute notions which he indulged in, his contemporaries were astonished at his conceding principles of freedom, which we now treat, not as concessions, but as inherently true. And in the administration of justice, if as an executive officer he was sometimes inclined to be summary, as a legislator he practically exhibited reforms in the graduation of punishment, which later theorists advanced as discoveries, and later legislatures have assumed as principles.

Nearly the last act of his official life was to enter into an agreement to cede his government to the crown. The consideration was twelve thousand pounds, payable in four years, and he received one thousand pounds on account, but before the legal forms were completed he was prostrated. His valuable and energetic wife, Hannah Penn, assisted by some of her connections, and by the trustees under the mortgage, conducted the affairs of the province during Penn's illness, carefully keeping from him all rumours and circumstances which might disturb his serenity. Secretary Logan, in the province, was efficient and invaluable. Sir William Keith rendered important services in London,

giving that personal attention to the affairs of the province in the government offices, which the illness of the proprietary precluded him from bestowing upon them.

The surviving children of William Penn were William and Letitia by his first wife, and John, Thomas, Margaret, Richard, and Dennis, by the second. Two of his children died during his life. By his will, made in anticipation of his contract with the crown, he devised his English and Irish estates to the issue of his first marriage; and from his American possessions he made provision for the payment of his debts, and for his widow and her children, deducting a bequest of ten thousand acres to each of his children and grandchildren by his first marriage. The government of the province was devised in trust to the Earls of Oxford, Mortimer, and Pawlet, to sell to the queen, or any other person. His estate in the soil was devised to other trustees, and his widow was made sole executrix and legatee of his personal estate. This will was nine years in chancery, until in 1727 the instrument was established, and the sale to the crown was declared void. Mrs. Penn, as executrix and trustee, had meanwhile assumed the direction of the affairs of the province. On the settlement of the various questions arising out of the will, the proprietary government devolved on John, Thomas, and Richard Penn. William

had attempted to assume the direction as heir-at-law, and even assumed to grant new commissions to the governor and secretary. The governor paid no heed to his commission, but relied on that of his father, and the Lords of Trade confirmed him in his decision. William Penn, jr. died in 1720, and his only son did not long survive him.

Sir William Keith, to whose appointment Mrs. Penn had cheerfully assented, arrived at Philadelphia on the last day of May, 1717. He commenced in a clear and business-like manner to settle most questions and compose differences. He had some useful colonial experience, having been surveyor-general of the southern provinces; and in his visits to Philadelphia had acquired the good-will of the leading men in the city, as he afterward did that of the proprietary family in London. His administration opened under favourable auspices, and for several years the event did not belie this promise.

Sir William met the assembly of the territories before he did that of the province, and procured from that body a memorial in favour of the proprietary claim to that government. This was the more an evidence of tact, since during the last years of Gookin's administration the misconduct of that officer had induced the territories to pray for the appointment of a royal governor. This matter required expedition; but

there being nothing in the affairs of the province which required immediate attention, Governor Keith, with polite consideration, forbore to call the assembly together until the latter part of August. He took care in his address to claim proper credit for his consideration in leaving them uninterrupted in their harvest operations, and promised always to make their public duties easy and pleasant. The whole style of the address was in the like conciliatory and pleasant strain, claiming all credit to himself for his services in London, and promising what is always acceptable to all people, "better economy and more frugal arrangement in the collection of taxes." The house replied in a tone equally polite and conciliatory; and what was more to the purpose, responded to a delicate hint of the governor's "expensive application in London," and the "diligence and expense with which he had obtained his commission," by an immediate grant of five hundred and fifty pounds. This cheerful reimbursement of his expenses in seeking his office is one of the curious facts in history; but if it shows that Governor Keith's politeness and suavity were not lost, it redeems the legislature of the province from the sordid appearance which some of their former transactions seemed to exhibit.

The new governor proved himself as good as his word in relation to the public burdens, and

the legislature effectively co-operating, the wants of the government were ascertained and promptly met. Regularity was introduced into the public business of the province. Public officers were better paid, with less burden to the people. The value of agricultural products was raised by judicious laws, prohibiting the use of molasses and other foreign articles in the manufacture of beer and spirits. Inspection laws were passed, which gave Pennsylvania flour and salted provisions a good reputation in foreign markets. A chancery court, which had been a subject of contention between the assembly and the governor, was established by Keith's proclamation, at the request of the assembly, the deputy-governor being chancellor. He submitted "with great deference" the opinion to the house, "by whose judgment he was desirous to be governed," that the office of chancellor could legally be executed by himself. "Great deference" procured what great assumption in Governor Evans could not; and yet the office of chancellor in the hands of the proprietary governor was in implied if not direct contravention of that clause in the charter of privileges which forbade the governor and council to exercise judiciary power in courts which had cognisance relative to property.

Sir William's influence procured also the establishment of a militia system, under the restriction that the service should be voluntary. So

great was his popularity that some of the friends of the proprietary family became alarmed, and entertained suspicions of his intention to overthrow their power, and to assert a claim to his office, as held under the crown, superior to their appointment. His disregard of the commission of young Penn had caused umbrage to some members of the family, and gave colour to the suspicions against Keith. William Ashton, a relative of the Penn family, a member of the council, wrote to William Penn the younger, cautioning him to beware of Governor Keith. The governor then expelled him from the council board. In truth, Keith did not lack firmness and sternness of purpose on occasions which were worth his while; but he was too prudent to waste his time in petty disputes, or to attempt to carry that by prerogative which could be done by conciliation. He could dissent from the assembly when his judgment told him that the measures of that body were wrong or illegal, and he seldom if ever failed to carry his point if it was one of importance. A bill for the naturalization of foreigners, which included a requirement that they should each obtain from a justice of the peace a certificate of the value of their property, and of the nature of their religious faith, was returned by him with the objection that scrutiny into the religious faith and the private estates of persons living under English liberty and law

was unjust and dangerous. The house yielded to his reasoning. But it was not the policy of the legislature to encourage the arrival of immigrants. The crowds of the poor who were thrown upon the charities of Philadelphia, and the danger of disturbances with the Indians from the settlement of strangers on the frontiers, were the principal causes of this objection. There were more labourers and servants than employment, and freemen found the value of their labour reduced by the competition of slaves and "redemptioners." This last term was applied to men who bound themselves to service on their arrival in the colony for the payment of their passage money. Many convicts were also transported from England to the colonies. To meet this abuse, a law was passed during Governor Keith's administration which imposed a penalty of five pounds per head on the felon passengers, recoverable of the importer or employer, and also obliged the importer to give bonds in twenty pounds for the good behaviour of each convict for one year.

In his intercourse with the Indians, Keith was very successful. He arranged with the governor of Virginia, and with the governors of New York and the New England colonies, two conferences with the aborigines, at which disputes were satisfactorily adjusted which threatened difficulty. He also purchased sections of land

to avoid collision, and in all respects proved himself an able and active officer. The assembly frequently and formally expressed their satisfaction, not only in words but in act. Keith received the first year sixteen hundred pounds as salary and perquisites, and subsequently about eighteen hundred annually. He proposed and carried the creation of a paper currency, and forty-five thousand pounds were issued in bills of credit to borrowers by the government, redeemable in eight years. The provincial debts were paid, private enterprise was stimulated, and the colony was in a state of prosperity greater than it had ever known before.

But while proceeding so happily with the people and the assembly, Keith was losing ground with the council, and making a determined enemy of James Logan. This gentleman, ever watchful for the interests of the proprietary family, had guided former governors almost absolutely, and had in fact ruled the province in important particulars as the *alter ego* of William Penn. Keith early determined to throw off the yoke of the council. Under the administration of Gookin, the assembly had resisted the claim of the council to be considered a part of the legislature, and to control the province by an absolute veto. Keith, who knew that the charter conferred no such functions upon the council, intimated his intention to pass certain bills with-

out the assent of the majority of the board, if he saw fit. The majority, including Logan, left the board instantly to defeat such summary action. Keith, with the minority, passed the bills. Logan and the dissentients remonstrated, insisting that the council formed a part of the legislature, and that although their legislative functions were not recognised in the charter, the instructions given to the deputies supplied the omission. Keith controverted these positions, and declared that the private instructions of the deputy could not be opposed to the clear sense of the fundamental laws of the province, and told the dissenters that if they expected to obtain a negative on the legislative authority, they would certainly be disappointed. This affair occurred in 1718. Logan continued in office until 1722, as provincial secretary and clerk of the council. In that year, Logan prepared a minute of the proceedings of the board, including some disrespectful remarks made by some of the members upon Governor Keith. This he placed upon the journal without its having been formally approved by the council. The substantial correctness of the minute was admitted, but Keith declared it a falsification of the records, and dismissed Logan from the offices of counsellor and secretary.

As in his former dispute, which was with the assembly, Mr. Logan had repaired to England

for advice and assistance, so did he in this dilemma. He returned with new and peremptory instructions from Mrs. Penn and her advisers, sustaining the dismissed secretary in every particular, and enjoining Keith to reinstate Logan in all his offices—to make no speech, send no message, return no bills, and pass no law without the assent of a majority of the council. Mrs. Penn also condemned the issue of paper money, and found nothing in Keith's administration to approve, except his Indian treaties, and even of these the merit was given to the council. The trustees added a letter to Governor Keith, in which they intimated that, if disputes must be had, he might not always be a party to them. His continuance in office they told him was only in the willingness of Hannah Penn that he should have a further trial, and the result depended on his adherence to her instructions. If question rose, they added, "there is sufficient power to end *all disputes with thee* about it."

These letters and instructions were the more unpalatable from being brought to him by Logan. Keith was a man of no small penetration, as his course indicated. He thought probably that Logan's failure to procure his removal was not due to Hannah Penn's "willingness to give him further trial," but to the want of concurrence among the parties interested, the estate being still in litigation. He felt assured that

Logan and Mrs. Penn would have removed him instantly if they could have done it. His position was fortified by the prosperous state of the province and his personal popularity. Instead of conforming to his instructions, he refused to reinstate Logan. He justified his course in a letter to Hannah Penn, in which he alluded to the security which he had given, in accordance to Act of Parliament, that he would obey the royal instructions; and maintained that to admit the veto of the council in legislation would be to invade the royal prerogative.

The letters he had received, with his reply, he communicated to the assembly. Logan also memorialized that body. David Lloyd, Logan's old antagonist, now chief-justice of the province, published a long opinion adverse to the council and supporting the governor. Keith himself replied to Logan, and the whole public became interested in the dispute. The assembly sided with the governor, highly approved of his conduct, voted him a thousand pounds, and despatched a remonstrance to the widow of the proprietary.

Keith was victor, but his position was precarious. His strength lay in the fact that he was nominally appointed by William Penn, and that the administratory powers of his widow, assumed during the pendency of the suit at law, were of too doubtful a tenure to embolden her

to remove him without the consent of all the claimants under the will, and the trustees of the estate under the mortgage. Keith's enemies in England were active; the proprietary influence in the province, led by Logan, was more powerful in England than in the province; and the influence of the Friends was brought to bear against him by artful misrepresentations—or at best by misconstructions of his conduct. A way was discovered to procure unanimity among the representatives of Penn. They agreed upon a successor; and, to avoid the questions which might arise out of his appointment by Hannah Penn; Springett Penn, the grandson of the founder, and his heir-at-law, proposed him to the crown, and he was appointed. Rumours of this proposed change reached the province before the official intelligence, and it is intimated were communicated to members of the legislature, but concealed from Keith. The waning fortunes of the governor were manifest in the coolness of the assembly. Keith desired a vote approbatory of his course in relation to the dispute with the council and proprietaries. This vote, after delay, was reluctantly granted, and expressed in cold terms. They further displayed their changing humour by granting only four hundred pounds toward his support for the year 1726. This injustice stung him to the quick, and caused his first angry message to the assembly. Before the

house replied, the new governor, Patrick Gordon, Esq., arrived, and Keith was superseded. Governor Gookin, Keith's predecessor, in his last message to the legislature pleaded his personal wants. Keith had too much manliness to do this, and the house not gratitude enough to provide for him without. So the connection, so long agreeable and courteous, terminated in coldness, if not in disgust. Probably an unwillingness to protract the difference with the proprietary family was the principal motive for this neglect of Keith, who certainly deserved well at the hands of the assembly. Franklin, by whose autobiography a very unpleasant idea of Keith's character is preserved, and who can be suspected of no partiality for the man, says he was a good governor for the people, though not for the proprietaries. He certainly differed from them in his views of policy, and did not always regard his instructions. But the general prosperity of the colony was never greater under any deputy-governor than under Governor Keith; and no administration was more quiet and effective.

Benjamin Franklin has given Sir William Keith a wider range of fame than any other provincial governor possessed. The Boston printer boy arrived in Philadelphia in 1723; and a letter written by him falling under Keith's notice, the governor had discernment enough to discover his capacity, and friendship enough for him to desire

to encourage it. A boy of seventeen years takes proffers of service and friendship very literally, and follows openings of business with pertinacious industry. Though the autobiography of Franklin would lead us to suppose that Keith wilfully sent him to London on a bootless errand, we must acquit Keith of any deliberate purpose to play such a "pitiful trick." No doubt, like many other men of plausible presence and easy humour, he promised more than he was always capable of performing, and shuffled when he should have been frank. He promised Franklin letters of credit in London which Franklin never received, and the young man sailed with the impression that the letters were on board. Whether Keith found that he had "no credit to give," and being ashamed to confess it, intended the lad should work his own way; or whether he forgot his promise in the hurry of his correspondence; or did actually write letters which Franklin missed, are points which Franklin might himself have settled by writing back to Keith from London, or by demanding an explanation on his return to Philadelphia. As he did neither, we know nothing more of the acquaintance of Keith and Franklin, than that the former opened to young Franklin an episode in life which certainly did him no harm, and laid the foundation of some useful acquaintances.

## CHAPTER X.

Answer of Hannah Penn to the assembly's remonstrance—Reflection upon Keith—Close of his life—Arrival of Governor Gordon—Quiet temper of the assembly—Affirmations—Salt tax abolished—Agent in England appointed—His usefulness and efficiency—Franklin commences business in Philadelphia—New emission of paper—Franklin's efforts to promote it—Opposition of proprietaries—Franklin clerk of the house—Commencement of the Philadelphia Library—Indian treaty expenses—Land purchases—Lancaster county set off from Chester—Question of toleration of Roman Catholic worship—The court of chancery abolished—Arrival of Thomas and John Penn—An unlucky poet—Death of Governor Gordon—Logan president—Boundary dispute with Maryland.

TOGETHER with Governor Gordon came a very well-written letter of Hannah Penn in answer to the remonstrance of the house, addressed to the proprietary family, during the controversy with Keith. In this letter, the widow charged upon Keith the procuring of that remonstrance with a view to wresting the government out of the hands of the family of Penn. "I do assure you," she wrote, "it is not easy for me to say whether for your safety or my own I am better pleased that this attempt upon the rights of the family and your privileges has proved unsuccessful; and without saying any more of that piece

of management, I hope we shall all of us learn to cultivate and maintain so entire an agreement, and mutual good understanding, as may preserve us from ever becoming a prey to designing men; who, it is evident, (notwithstanding their fair practices,) consider none of us in any other light than to serve their own ends and purposes, even though at the expense of all that is dear to us." She defended her instructions to Keith on the ground that they were in effect the same that had been given by her husband to all his deputies. The letter produced a soothing effect upon the public mind.

Whether the charge alleged by Mrs. Penn against Keith was well founded or not, there is no doubt that Hannah Penn believed it; and Keith by his subsequent conduct proved that he was not incapable of entertaining such an intention. He obtained a seat in the assembly, and endeavoured with all his address to embarrass the government. But as he talked out of the house, with a great deal of vanity, of his plans for subverting all the proprietary governments, and declared his intention of embarrassing the Penn family till they should sell to the crown, and he obtain a re-appointment, his own folly defeated his influence, and he returned to England poor and disappointed. Franklin, in his characteristic style, thus refers to the close of Keith's life:—"There is no man long or much conversant in

this overgrown city, [London,] who hath not often found himself in the company of the shades of departed governors, doomed to wander out the residue of their lives, full of the agonizing remembrance of their past eminence, and the severe sensation of present neglect. Sir William Keith, upon his return, was added to this unfortunate list; concerning whom the least that can be said is, that either none but men of fortune should be appointed to serve in such dignified offices, or otherwise that, for the honour of government itself, such as are recalled, without any notorious imputation on their conduct, should be preserved from that wretchedness and contempt which they have been but too frequently permitted to fall into for want even of a proper subsistence.”

Governor Gordon was well advanced in years when he arrived. He was discreet and peaceable; and though some important questions arose during his administration, he managed to escape contention with the people and the council and proprietaries. Keith's administration was happy in its fruits for his successor. The very disturbance between him and the council ministered to peace; for all the parties discovered that, being in a peculiar position, they were obliged to waive questions of abstract right and nice political discussions for quiet's sake—just as sensible parties to any contract, finding themselves not so well

fixed as they could desire, will adhere to a bargain, inconvenient in some respects, rather than risk all by throwing it up. Convinced of the good intentions of Penn to his colony, the people were fain to overlook the natural anxiety of the proprietors to guard their own interest, and were willing generally to concede that the proprietors and people had a common stake in the well-being of the province. The long-mooted question about affirmations was determined by an act passed in the province during the close of Keith's administration, and duly ratified in London. The privilege of importing salt duty free, enjoyed by other colonies, was conceded to Pennsylvania by Keith's instance; and the province, having no complaints to make, or privileges to ask, moved on quietly and in prosperity. The only disturbance was some Indian encounters near Conestoga, in which bloodshed occurred; but further evil consequences were for the present averted by treaty and presents. Some apprehensions were also entertained of French interference with the Western territory, it being discovered that visits were exchanged between the French and Shawanese Indians, French agents coming to the territory of Pennsylvania, and the visit being returned by an Indian deputation to Montreal. The authorities of the province were put on the alert by these discoveries, but nothing decisive was effected.

The relations of the province with the royal government were, on the whole, satisfactory. Upon the accession of George II. in 1727, the proper congratulatory addresses were forwarded. An admission of the necessity of the late proprietary's (William Penn) continued residence in London, was made in the appointment of a resident agent in London. So much inconvenience had been suffered since the illness, and particularly since the death of Penn, by the want of a voice at court, that this arrangement seemed highly necessary. It proved very salutary and useful, and was continued down to the time of the Revolution. The agent was the special minister of the assembly, to whom he reported. The proprietaries took care of their own interests. Penn's sons had neither his intellect or enlarged views of policy; and though affection for the founder's person, and respect for his talents, prevented the thought of such a measure during his life, these considerations could not operate to such an extent in relation to his children. The first provincial agent was John Fernando Paris; and his services were efficient and his movements discreet. In connection with the other colonial proprietors and agents, he succeeded in averting a proposed order that all provincial laws should be inoperative until they had received the royal sanction. This order would have been detrimental in the highest de-

gree to the interests of the colonies. In Pennsylvania, as in other colonies, laws went into operation as soon as enacted. If the royal assent was repressed, the law could be modified and re-enacted; and thus, except in a few marked and especial cases; the royal revision was practically inoperative. The English colonial policy was guided by the Board of Trade; and the worst burden of colonial dependence was found in the restriction of colonial industry, for the benefit of the English merchants and manufacturers.

Benjamin Franklin had now returned from his visit to London, and in 1725 commenced business as a printer in Philadelphia. In 1729 he obtained possession of the Pennsylvania Gazette, a paper which had been unsuccessfully published a few months before it came into his hands. There had been another paper in the city for about ten years, and a printing press was in operation as early as 1686. It was principally reserved for Franklin, however, to show what effects can be produced upon public opinion by the skilful periodical writer. The Pennsylvania Gazette soon claimed attention; and, as Franklin expresses it, "the leading men, seeing a newspaper now in the hands of those who could handle a pen, thought it convenient to oblige and encourage him." About this time the subject of an extension of the paper cur-

rency began to excite attention. The old issue had been, to a great extent, redeemed and cancelled, and the people felt the need of a more abundant circulating medium. Franklin was in favour of the measure; and, to further it, wrote and printed a pamphlet on "The Nature and Necessity of a Paper Currency." The pamphlet was well received, and the "outside pressure" upon the assembly to procure the desired emission was strengthened by it. The proprietary interest opposed the measure—prudently, as experience has shown—and consented only on condition that an equivalent should be provided for the depreciation of their quit-rents by the depreciation of the currency. The sum issued amounted to eighty thousand pounds, which remained in circulation, under successive acts, until 1773, when the amount was largely increased. For Franklin's services in procuring the passage, he obtained the printing of the money. \* He was already printer to the house; and in 1736 was elected its clerk—a position which he made one of influence as well as profit. The Philadelphia Library, now one of the largest and best in the United States, dates from 1731, when its nucleus was formed by the deposit in one place, of such books as they could spare, by Franklin and his friends. The future statesman was then in his twenty-fifth year, and thus early he commenced his career of usefulness.

During Governor Gordon's time, a question was raised which afterward became a frequent source of disputes between the proprietary governors and the people. In the making of Indian treaties, and in keeping up pacific relations with the aborigines, large sums were required to be expended for presents. These charges were incurred by the province, except such as Penn personally incurred. By an act of the assembly in 1700, all purchases of Indians, except such as were made by Penn or his heirs and grantees, were declared void, and the sole right to purchase was thus restricted to the proprietary family. The assembly made a distinction in 1729 between the charges incurred in ordinary treaties and such as were made for the purchase of lands; insisting that the party who had the monopoly of the purchase should bear the expenses. The value of the proprietary lands had now risen from the original price to between forty and fifty dollars for the hundred acres, subject to a quit-rent of one penny an acre. The increasing population, and the large size of the counties in 1732, caused the erection of Lancaster county out of the western part of Chester.

In 1732, by the death of Springett Penn, the heir-at-law, and Mrs. Hannah Penn, the assembly regarded Governor Gordon's authority closed; but the arrival of a new commission, signed by John, Thomas, and Richard Penn, prevented

controversy on that subject. Controversy on no point appeared to be desired by him; and except in such claims as he was supported by the proprietary interest against the assembly, he generally yielded. He felt it his duty to call the attention of his council to the open celebration of mass at a chapel in Walnut street, contrary to the statute. His council were of opinion that the statute did not extend to the province, and advised the governor to consult his superiors in England. No further proceeding was had in the matter. The services of the Romish church were undoubtedly performed in the province much earlier, since Penn, in a letter to Logan, in 1708, says: "With these is a complaint against your government, that you suffer public mass in a scandalous manner; pray send the matter of fact, for ill use is made of it against us here." Governor Gordon's notice of the matter was undoubtedly caused by the popular fears of Roman Catholics as sympathizing with the French, and with the Indians suspected of being in the French interest. The Walnut-street chapel, however, remained undisturbed.

The new commission of Governor Gordon expressly reserved to the crown the government of the territories now forming the State of Delaware. Another abridgment of the provincial governor's power took place in the abolition of the Court of Chancery. The assembly disco-

vered that the possession of the powers of chancellor by the governor was contrary to the charter. Pending the discussion Governor Gordon died, and no subsequent governor took upon himself the office.

In 1732 Thomas Penn, one of the proprietaries, came to his province. He was met at Chester by Governor Gordon with a large concourse of gentlemen, whose unexpected civility quite discomposed the visitor. He was received at Philadelphia with discharges of canon from the shipping and ringing of bells. Crowds paid their respects to him; and, among the rest, a worthy Welshman, who had prepared a complimentary address in verse, but so cold was his reception, that he withheld the poem. In describing his interview, the poet says Thomas Penn spake but three sentences to him: "How dost do?—Farewell.—The other door!" A cool reception for an ambitious poet certainly—but the son had not the courtly ease of the father, and was undoubtedly more embarrassed by the crowd than they by him. Watson, who has preserved the anecdote, has in his possession the identical "copy of verses." In 1734, John Penn, "the American," came over, and was similarly received. His return to Europe was hastened by the intelligence that Lord Baltimore was making interest to obtain the territories on the Delaware.

The administration of Governor Gordon was terminated by his death in 1736. The administration of the government devolved on the council, of which Logan was president, and it remained in his hands two years. As the charter vested the legislative power in the governor and assembly, in the absence of a governor there could be no legislation. With wise policy, to avoid jealousy, the assembly regularly met to advise the government, but enacted no laws. Except a few skirmishes between the sheriffs of Lancaster and Baltimore county, Maryland, and certain armed bands of volunteers, nothing of note occurred during Logan's administration. Settlers were harassed, blood was shed, captures were made, jails forced, and other illegal and foolish proceedings took place under nominal legal authority. A pause was put to these breaches of the peace by the arrival of an order of the king in council, requiring the respective governments to suppress disturbances, and refrain from granting the lands in dispute till the king's pleasure should be further known. Difficulties still continued, however, till the proprietaries made a compromise, in London, by which the contest of subordinates was abandoned without prejudice to the claims of their superiors. The result of this controversy has been anticipated in a previous chapter of this work.

## CHAPTER XI.

Governor Thomas—His attempts to induce the assembly to make warlike preparations—Declaration of war between England and Spain—Instructions from England—The assembly frames a supply-bill, but adjourns without passing it—Enlistment of bond-servants—Disputes upon this subject—Refusal of the house to vote money until the servants were discharged—Thomas Penn supports the governor—The merchants of Philadelphia and the council remonstrate with the assembly—The money bill passes, with conditions—The governor declines to avail himself of it—The house applies the money to the payment of masters who had lost their servants—Governor Thomas demands the equipment of armed vessels—The house refuses it—Thomas Penn returns to England—Quarrel about the appointment of a port physician—Governor Thomas sweeps his opponents from office—Election riot—Compromise between the governor and the assembly—Franklin's public services—Volunteer military preparations—Resignation of Governor Thomas.

GEORGE THOMAS, Esq., a planter of Antigua, was appointed governor of Pennsylvania in 1727. He had an unfortunate propensity for disputes, and a confidence in his controversial abilities, which led him into positions of contest with the assembly which he might readily, with a little prudence, have avoided. A disagreement between England and Spain, which commenced in 1737, ripened into open hostilities in 1739. While this

probability of war was impending, Governor Thomas endeavoured to induce the assembly, principally composed of Quakers, to take measures for the defence of the colony. The assembly declined to pass any laws for the establishment of a military service, and referred the governor to his own authority, as deputy of the captain-general, to organize the forces of the country from such citizens as were disposed to fight. Instead of availing himself of this intimation, Governor Thomas entered into a war of words with the assembly, during which the public business was neglected, and what was immediately irksome to the governor, his support was withheld.

This state of affairs continued till official news of the declaration of war was received, in 1740, together with instructions from the throne which left enlistment for the service voluntary in Pennsylvania, but required that the province should furnish transports and stores for the troops to be raised in the province, until they arrived at the place of rendezvous in the West Indies. The assembly pleaded their consciences against raising money for such a purpose, and Governor Thomas renewed the request in a different form, leaving the use of the money undesignated, otherwise than "for the king's use." The assembly framed a bill for granting a sum of money, but adjourned before it was acted upon. Rumours of peace

induced them to hope that by delay they might avoid the difficulty.

Enlistments of volunteers went on under the governor's exertions with great alacrity, and the quota expected from Pennsylvania, (four hundred men,) was largely exceeded. This was in part accounted for by the fact that many bond-servants chose the cover of enlistment to escape the fulfilment of their contracts with their masters. The troops were ready, but the provisions and transports were not provided. Governor Thomas summoned the assembly by a peremptory writ, and commanded that they should proceed with their appropriation bill. The house refused to grant any money till the servants already enlisted were returned to their masters without any charge, and assurance given that no more should be enlisted. The house also declared as a cause of their inability to appropriate large sums, the demands upon the treasury for the equalization of quit-rents. Thomas Penn immediately came forward, and in behalf of the proprietaries postponed their claim till provision should be made for the public service. The house then abandoned this ground, and admitting their ability, refused to make any appropriation till their grievance in the matter of the servants was redressed. They threatened to apply to the throne for relief, and requested Mr. Penn to use his influence with the governor to prevent the

necessity for such an appeal. But Mr. Penn avowed his entire approval of the course the governor had taken, and reproved the reluctance of the house to assist the king and the nation, when they had been invited in so considerate a form to do it. A deputation of merchants and other inhabitants of Philadelphia waited on the assembly to remonstrate with that body for their neglect of the public service. Four of the council appealed to them, entreating them to weigh the consequences of their conduct. Thus beleaguered on all hands, the assembly made an appropriation of money, but coupled it with the condition that the warrant for it should not be drawn till the servants were discharged. The governor would not accept of the appropriation clogged with such conditions, but raised the necessary funds by the sale of bills on England. The house, at its next session, applied the money which they had conditionally appropriated to the king's use, to the payment of masters who had lost their bond-servants by enlistment.

Having failed to obtain enactments for the support of the army, Governor Thomas next called upon the assembly to equip vessels of war to protect the colonial commerce against privateers, to grant a bounty for every enemy killed or captured, and to provide for the families of the seamen killed or wounded in the service. The message appeared to be studiedly offensive.

The merchants backed it with another remonstrance, threatening that if measures were not taken for the defence of the colony, they would apply to the crown. The house refused the governor's application, and declared the merchants remonstrance an insult and a breach of privilege. Governor Thomas had forbidden, by proclamation, the export of provisions from the colony to any except British ports, in order to prevent the supply of the enemy. An act of Parliament to the same purport was passed almost at the same time. Governor Thomas asked of the assembly the passage of a bill forbidding the export of wheat entirely. The house refused his application, and intimated that the act of Parliament alone protected him from inquiry into the legality of his proclamation.

The governor and assembly had now reached a most unhappy state of contention and exasperation. The assembly representing the Quaker interest, could no longer appeal to the proprietary. William Penn's sons were not Quakers, and Thomas Penn had avowedly sided with the governor. When he left the colony to return to Europe in 1740, the assembly presented him an affectionate and conciliatory address, soliciting his residence among them, or that of some other of the proprietaries, as a check upon the governor. He answered them in like polite terms, but recommended them to take measures for the

defence of the province, in which they would receive the aid of the governor, who he said had no views but the king's honour and the safety of their constituents. Even James Logan openly declared himself in favour of defensive war; a position to which he had discovered an inclination so long before as in the time of Governor Evans and his false alarm.

In 1741, the old members being still returned to the house, the governor took occasion, when the speaker was presented to him, according to the form of those days, for approval, to reproach him for the former acts of the assembly. The assembly retorted by passing resolutions that the governor's reception of the speaker was unparliamentary, menacing, and destructive of the freedom of the legislature. But anxious to secure friends somewhere, and to avert the consequences of their continual refusal to provide for the public defence at Governor Thomas's suggestions, the assembly appropriated, and paid over through their agent in London, three thousand pounds into the royal exchequer. A pitiful contention between the governor and the legislature about the appointment of a port-physician, left the post vacant, and the landing of diseased emigrants in the city, through this neglect, caused the outbreak of a contagious distemper, accompanied with great mortality. This calamity furnished the parties with new charges, each im-

puting to the other the cause of the distress. But the house was compelled to provide for a lazaretto, a measure which had before been recommended and urged by Governor Thomas, but evaded.

New fuel was added to the flame by the transmission to Philadelphia, by the provincial agent, of copies of the governor's correspondence with the ministry, in which he painted the conduct of the assembly in the darkest colours, and represented that nothing in the way of public defence was to be hoped while the Quakers constituted the majority of the assembly, with the control of the public money and the right to adjourn at pleasure. This control the assembly had acquired by a clause in the currency and excise bills, the effect of which had escaped the notice of the governor. The house could dispose of the public funds by resolution, and were thus enabled, as we have seen, to remit money direct to England, and to pay masters for the time of their enlisted servants without asking the governor's approval. Indeed, he was entirely excluded from this important part of legislature.

The messages of the governor and the replies of the house ceased to be any thing but heated appeals to the people, and the means of mutual exasperation. No law had been sanctioned by the governor, and no provision made for his support by the assembly, since the refusal of the

house to supply funds for the transport of the troops. The governor's arrears of salary amounted to fifteen hundred pounds. He now resorted to the means of annoyance which he possessed in the power of appointment; and he removed from office all who were opposed to him whose commissions were in his gift. This exercise of power was not new in Pennsylvania, having been executed by the founder himself. The assembly had suffered the provision "during good behaviour," to be construed to mean during the executive pleasure, and could not now set aside the precedents. Governor Thomas's "sweep" was the first thorough one in the history of Pennsylvania; and unquestionably weakened himself more than it injured his opponents.

The year 1742 was distinguished by an election riot, the first in the colony. The strength of the Quakers was in the counties, while the governor's or "gentlemen's party" was chiefly in the city. The votes of the whole county of Philadelphia were polled at the court-house, which then stood in Market street. Early on the morning of the election-day, a party of sailors from the vessels paraded through the streets in a riotous manner. Many of the inhabitants, apprehensive of disturbance, appealed to the magistrates, but their advice that precautions should be taken were not heeded. When the election opened, the sailors marched up to the polls, and

assaulting certain of the freeholders with bludgeons, so exasperated the people, that they made a rally and drove the sailors to their ships, capturing and committing some fifty. The disturbance appears to have been "in advance of the age," and to have been attended with all the features of a more modern election riot, not even excepting an inquiry into the case with no result. The country party succeeded in electing their candidates, and in fastening the credit of the riot upon the gentleman's party as its instigators.

At this session the contest between the governor and the assembly terminated. The governor made overtures at reconciliation, and sanctioned the bills which had so long awaited his signature; and the assembly paid up the arrears of his salary. So far in the contest the assembly had undoubtedly been victorious, and it was no more renewed. The governor carried on war preparations, whenever necessary, by his authority as deputy captain-general and governor, and the house left him in those respects unmolested. The governor made no more demands for money for war purposes, and the assembly voted him, whenever necessary, "a sum of money for the king's use, to demonstrate their loyalty and affection to the crown." One appropriation was made of four thousand pounds, "to be expended in the purchase of bread, beef, pork, flour, wheat or *other grain*." Under the

head "other grain," Governor Thomas purchased gunpowder, and the assembly never accused him of misappropriating the money.

The declaration of war against France in 1740 caused a new military activity among the friends of the governor in Pennsylvania. Franklin came to his aid, with his pen and his personal influence; and steps were taken for the military defence of the colony, without identifying the legislature with the movement. The governor's proclamation and the voluntary measures of the people were sufficient. A regiment was raised in Philadelphia, of which the command was offered to Franklin, but declined by him. A battery was erected with funds raised by lottery, in which many persons were adventurers who, opposed to war on principle, still considered defensive measures necessary. Indian disturbances added to the public alarm, but fortunately were suppressed by the exhibition of a sufficient force, or were checked by treaties and presents. Pennsylvania furnished four companies, which were sent to Albany for the defence of the northern frontier against the Indians who were in the French interest. She also furnished four thousand pounds to the king's use, which money was employed in aid of the colonial expedition against Louisburg, the capital of Cape Breton, which post was taken in 1745 by the colonial troops

under Sir William Pepperel, aided by the British fleet under Sir Peter Warren.

In May, 1746, Governor Thomas communicated to the legislature his intention to resign, on account of ill health. During the latter years of his term of office he had obtained the confidence of the legislature and the esteem of the people, having learned at last how to deal with the men he had to govern.

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## CHAPTER XII.

Exposed condition of the Delaware River—Arrival of Governor Hamilton—The “Indian walk”—Penn’s method of measuring land by pacing it—Movements of speculators—Exasperation of Indians—Production of old treaties—Speculative mode of pacing boundaries—The Indians remonstrate—Compelled to submit by more powerful tribes—Evil results—French intrigues—Disputes between the governor and the legislature—Franklin a member of the House—George Washington—Expedition against Fort Duquesne—Capitulation of the Virginians to the French—Governor Hamilton appeals to the assembly for supplies—Evasion of his request—Governor Hamilton superseded by Governor Morris—Conference with the Six Nations at Albany—Indian opinions of the English and French—Unfortunate purchase by the Pennsylvania commissioners—Franklin’s plan of union between the provinces—His account of Governor Morris—The Pennsylvania Hospital—James Logan—Reform of Calendar—Restrictions on manufactures—Navigation Acts—Illiberal policy of the Board of Trade—Philadelphia ship building—North-West passage.

THE executive branch of the government devolved upon the council by Governor Thomas’s

resignation; but as the council possessed no legislative powers, no laws could be enacted and Anthony Palmer, president of the council, and acting governor, made vain appeals to the legislature to adopt defensive measures against the enemy. Privateers ascended the river, took many vessels, and landed and plundered the inhabitants, menacing even the city itself. The assembly declined to fit out a sloop-of-war; and when the council would have done it, their credit was not sufficient to borrow the requisite money. This anomalous position of affairs was in some degree relieved in 1749, in the autumn of which year James Hamilton arrived from London, bearing the commission of lieutenant-governor.

Indian difficulties began now to be a serious source of trouble to the government and to the people. After the decease of William Penn there was no one to keep up the wise, humane, and politic course which he had pursued with the aborigines. Complaints grew frequent, and a feeling that they had been wronged increased among the Indians, fostered and aggravated no doubt by the acts of enemies. Nor were these complaints without foundation. There was one transaction in particular, which holds its place in tradition as "The Indian Walk," and is sufficiently curious in its details and important in its consequences to claim a place in history.

In 1686, by a treaty made with the Delaware

Indians, William Penn purchased a tract of land on the Delaware, one of the boundaries of which was described thus, "as far as a man could walk in three days." Tradition says that William Penn himself and a number of his friends began to walk out the boundary, and in a day and a half walked about thirty miles, taking the journey leisurely, and occasionally sitting down to refresh themselves with a luncheon and a bottle of wine. Having thus traced out as much as he desired for his present purpose, and established the landmarks, Penn suffered the remainder to rest unsurveyed, leaving one day and a half to be walked at some future period. In 1718 a treaty was made with the Indians on which these vague boundaries were set aside, and the Lehigh Hills were made the extreme boundary of the white settlement. In 1733 some gentlemen, speculators in lands, purchased of William Penn, the grandson of the founder, ten thousand acres of land which had been devised to him by his grandfather. A portion of this land the purchasers chose should be taken up in "The Forks of the Delaware," as the tract was called which lies between the Delaware and Lehigh Rivers, south of the Blue Mountain.

The Indian title to this land had never been extinguished; but the speculators who had purchased of the proprietor's heir, commenced immediately to sell in smaller tracts to those who

would immediately settle their purchases. And at the same time the proprietors issued proposals for the sale of one hundred thousand acres by a lottery, the fortunate holders of tickets having the privilege of settling anywhere, except on lands already settled or purchased by whites. The tract above mentioned, "The Forks of the Delaware," being good land, many tracts were taken up there and settled.

The Indians were exasperated, as they naturally might be, by these proceedings. These grounds, including one or more Indian towns, were sold from under them, notwithstanding the the treaty of 1718, already mentioned, which defined the boundaries of the white settlements. To stay their murmurs, Thomas Penn purchased of the Indians the tract now included in Berks county, though these lands might have been claimed by him, under a treaty granting to Penn as much land as could be crossed "in two days upon a horse." But the parties interested in the lands on the Delaware were determined to have them without a repurchase—or it might be more properly said without a fair extinguishment of the Indian titles. The Delaware chiefs were summoned; the old deed, or a copy, was produced, in which the tract was described, and as one of its boundaries the "three days' walk" was mentioned. This old bargain was reaffirmed "with full and free consent," and all right to the tract

relinquished by the Indians through their sachems.

The proprietors immediately advertised that the remainder of the walk, "a day and a half" was to be made, and offered five hundred acres of land, and five pounds in money, to the person who should attend and walk the farthest in the given time. By previous agreement the governor was to select three persons, and the Indians a like number. But the Indians soon discovered that they were no longer dealing with William Penn. The walkers were accompanied by horsemen, with liquors and other refreshments, and, the road having been previously travelled, food was placed at different points along the road. On the first day one of the whites was tired out and fell, and the Indians before sunset left and refused to countenance the proceeding further. They said the walkers would pass all the good land, and they did not care where or how far they went. There was no stopping to rest. On the second day, at noon, one of the walkers reached a point about sixty-five or seventy miles from the starting-place—at least twice as far as a fair walk would have carried him. The Indians declared they were cheated: "No sit down to smoke—no shoot a squirrel,—but *lun, lun* all day long!"

They were overreached, and refused to abide by their bargain—a bargain which had been

literally enforced, but in justice violated. They refused to move, and did not give up their land till the Six Nations, their conquerors, were appealed to. The powerful chiefs contemptuously ordered the poor Delawares off, and the Indians were forced to comply, carrying their exasperated feeling to Wyoming, to Shamokin, and to Ohio. Thus were they predisposed to listen to the overtures of the French; and a departure from Penn's conciliatory and upright course caused bloodshed and rapine which honesty and fair dealing would have prevented. We have been thus particular in this narrative, because it is only justice that Penn's memory should be vindicated.

Governor Hamilton found these difficulties with the Indians, provoked by new aggressions of the whites, a fruitful source of trouble, as they had been to the council before him. Settlers encroached on Indian lands without even the poor excuse of proprietary grants. The government of the colony, alarmed by Indian menaces and Indian violence, sent a commission to the Indian country, where the intruders had settled, with authority to dispossess them. This was done; but the encroachments were soon renewed, and furnished new arguments for the French to employ in their negotiations with the Indians against the English. Presents and subsidies were tried to countervail French in-

trigue, and the appetite of the savages, which "grew by what it fed on," made this branch of the service a heavy charge upon the public treasury. And now arose a renewal of the dispute with the proprietors, and the governor as their representative, upon the subject of these Indian expenses, which the Penn family were disposed to throw entirely upon the province. The addresses and arguments on the part of the assembly were drawn up with new ability and with caustic wit. In 1750, Benjamin Franklin, who had been for several years clerk of the house, was elected a member; and he took at once the lead to which his talents entitled him. It was not as an orator but as a writer that he made himself felt. He was on every important committee; and the reports, addresses, and other documents from his pen display a vigour and ability which make them readable even at this day. It is the fortune of few legislative reports to survive the occasions which call them out. Franklin's have this vitality.

Another subject of discussion was the increase of the paper currency, to keep pace with the increased trade of Pennsylvania. Though the colonies had been prohibited by an act of Parliament, from issuing bills to serve as currency, Pennsylvania was excepted from its operation. Taking advantage of this privilege, procured for them by their agents and the proprietaries, a

bill was prepared in 1752 for the issue of forty thousand pounds. Nothing was issued, however, but the gubernatorial messages, and legislative reports and remonstrances. Of the latter Franklin was the principal author. There were various points in dispute between the parties in this controversy; but the real difficulty appears to have been that the governor wanted what the house refused to concede, a joint voice in the disposal of the interest of the emission, which interest formed part of the revenue of the province. While the dispute was pending, Indian difficulties and a quasi war with France still continued in the colonies.

In 1753 first appears upon the annals of American warfare the name of George Washington. In that year, having barely attained his majority, he was deputed by Governor Dinwiddie, of Virginia, as an envoy to the French, who were encroaching upon Virginia and Pennsylvania on the west, and preparing measures to unite Canada and Louisiana by a chain of military and trading posts. This difficult duty he performed in the winter of 1753-4, and the result of his mission proved that the French were not disposed to yield their pretensions. A regiment was despatched early in the spring of 1754, under command of Colonel Fry and Lieutenant-Colonel George Washington. In command of an advanced force, Lieutenant-Colonel Washing-

ton surprised a party of French who were marching to the confluence of the Monongahela and Alleghany Rivers, where a fort was in progress of erection, called Fort Duquesne. In his journey during the preceding autumn, Colonel Washington had marked the commanding advantages of this place, afterward Fort Pitt, now Pittsburg. By the death of Colonel Fry the whole command devolved upon Washington; and having commenced the erection of a stockade at Great Meadows, which he called Fort Necessity, he pressed forward with the intention of dislodging the French from Fort Duquesne. But ascertaining that the enemy were in much greater force than himself, he fell back to Fort Necessity. His command consisted of about five hundred men. He was attacked in Fort Necessity by fifteen hundred, under command of Monsieur de Villier. From ten in the forenoon till night the gallant little garrison withstood the attack. Monsieur de Villier then demanded a parley, and offered terms of capitulation. These were at first rejected; but during the night a convention was agreed upon, under which Colonel Washington and his command were permitted to retain their arms and retire to the inhabited parts of Virginia. These operations were not conducted under the sanction of any formal declaration of war against France, but in pursu-

ance of instructions received by the provincial governors to repel force by force.

In pursuance of the instructions of the British government, Governor Hamilton had endeavoured, but in vain, to obtain funds from the assembly to organize a force to assist Governor Dinwiddie. The assembly evaded, and demanded proof that the points which the French had seized were within their limits. A committee of the house reported that the alleged fact rested on the testimony of Indian traders unskilled in mensuration. The house would not "presume to set bounds to his majesty's dominions or to ascertain the limits of their own province," and resolved that it did not clearly appear that the subjects of a foreign prince had erected forts within the undoubted limits of the government. They accused the governor of imprudence in declaring the province to be invaded, thereby changing their relation with Virginia, and making them principals instead of auxiliaries in the dispute. We may here remark, that the tract at the confluence of the Monongahela and Alleghany, about which the English and French were in dispute, which dispute soon ripened from an informal into formal war, was also disputed between Virginia and Pennsylvania. The matter was not settled until about twenty years afterward; and the land which the assembly of 1753 repudiated, because its possession would

make them "principals instead of auxiliaries," succeeding state governments contended for till the present boundaries were formally established. And this tract is now one of the most important in the state, the centre of its western capital and population.

On the news of Colonel Washington's capitulation, which took place on the 3d of July, Governor Hamilton again convened the assembly. But the pertinacity of the governor and the assembly, in their dispute about the terms of the money bill, rendered all attempts to raise money abortive. Governor Hamilton, whose term of office was about to expire by his resignation, gladly relinquished the dispute with the legislature to his successor, Robert Hunter Morris, who arrived in Pennsylvania early in October, 1754.

On the soil of Pennsylvania were first displayed the military abilities of the man who, as commander of the army of the United States, afterward bore a principal part in the establishment of their freedom. A Pennsylvania legislator devised this year the outlines of the future articles of confederation between the colonies. At a congress of commissioners, assembled in Albany at the instance of the Board of Trade, Franklin was present as one of the deputation from Pennsylvania. The object of the congress was to treat with the chiefs of the Six Nations, and win them back to their friendship for the

English. Little was effected in their regard by the council. The Indians received their presents, five hundred pounds toward the purchase of which were furnished by Pennsylvania, with true Indian avidity. But few Indians were present, and they refused to form a new treaty of coalition against the French, though they promised to drive the French from their lands and to renew their old treaties with the English. Of the temper of the Indians, and their sentiments toward the contending European powers, the following extract from the speech of the Mohawk sachem, Hendrick,\* may serve as a specimen: "It is your fault, brethren, that we are not strengthened by conquest. We would have gone and taken Crown Point, but you hindered us. We had concluded to go and take it, but were told it was too late, and that the ice would not bear us. Instead of this, you burnt your own fort at Saratoga, and ran away, which was a shame and a scandal. Look around your country and see; you have no fortifications about you; no, not even to this city. It is but one step to Canada, brother, and the French may easily come and turn you out of doors. You were desirous that we should open our minds and our hearts to you. Look at the French. They are men. They are fortifying everywhere. But,

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\* Sparks' Works of Franklin.

we are ashamed to say it, you are all like women, bare and open, without any fortifications." In a dispute between two powers, both indifferent to them—both indeed obnoxious—it was to be supposed that Indian sympathy would be with those the savages considered stronger and more manly. While little was done by the confederated council, the Pennsylvanians accomplished something on their own account, which the event proved had been better left undone. They purchased of the heads of the tribes the nominal extinction of most of the Indian titles remaining in Pennsylvania. This gave great dissatisfaction to the Indians, and probably neutralized whatever good might have been accomplished by the council.

But while the immediate business of the congress was discussed—the Indian relations of the colonies—another subject of much more ultimate importance went on with it. On his way to the congress, Franklin drew up a plan of union for mutual defence. Several other members had done the same thing—and these plans were referred to a committee. "Mine," says Franklin, "happened to be preferred, and, with a few amendments, was accordingly reported." It provided for a president-general, to be appointed by the crown, and a grand council, chosen by the legislatures of the colonies, the president having also executive power. The general business of the colonies, principally in their Indian

relations—which were the only foreign relations within their power—were to be regulated by this council; the domestic affairs of the several colonies were to be left to each. Thus was the grand principle of the present Union, State Rights and confederate strength, laid down in July, 1754, by Benjamin Franklin. It was rejected by the crown as too democratic and by the provinces as having in it too much prerogative—a sure evidence of its impartiality. Twenty-one years afterward, having often urged the necessity of union, he was the first to propose it in the Continental Congress—even before the independence of the States was declared. How little did these two men, Washington and Franklin, in July, 1754, suspect what parts they should be called to perform in July 1776.

Governor Morris soon found himself in difficulty with the assembly, notwithstanding a piece of good advice which he received from Franklin, and which he promised to follow, but disregarded or forgot. While Franklin was on a journey to Boston he met the new governor, with whom he had been before intimately acquainted. A short extract from Franklin's autobiography will give in brief a summary of Governor Morris's difficulties with the assembly. "He (Mr. Morris) brought a commission to supersede Mr. Hamilton, who, tired with the disputes his proprietary instructions subjected him to, had resigned. Mr

Morris asked me if I thought he must expect as uncomfortable an administration. I said, 'No; you may on the contrary have a very comfortable one, if you will only take care not to enter into any dispute with the assembly.' 'My dear friend,' said he, pleasantly, 'how can you advise my avoiding disputes? You know I love disputing, it is one of my greatest pleasures; however, to show the regard I have for your counsels, I will, if possible, avoid them.' He had some reason for loving to dispute, being eloquent, an acute sophister, and therefore generally successful in argumentative conversation. He had been brought up to it from a boy, his father, as I have heard, accustoming his children to dispute with one another for his diversion, while setting at table, after dinner; but I think the practice was not wise, for, in the course of my observation, those disputing, contradicting and confuting people are generally unfortunate in their affairs. They get victory sometimes, but they never get good-will, which would be of more use to them. We parted, he going to Philadelphia, and I to Boston.

“In returning, I met at New York with the votes of the assembly of Pennsylvania, by which it appeared, that, notwithstanding his promise to me, he and the house were already in high contention; and it was a continual battle between them as long as he retained the government. I

had my share of it; for, as soon as I got back to my seat in the assembly, I was put on every committee for answering his speeches and messages, and by the committees always desired to make the drafts. Our answers, as well as his messages, were often tart and sometimes indecently abusive; and as he knew I wrote for the assembly, one might have imagined that when we met we could hardly avoid cutting throats. But he was so goodnatured a man, that no personal difference between me and him was occasioned by the contest. \* \* \* These public quarrels were all at bottom owing to the proprietaries, our hereditary governors, who, when an expense was to be incurred for the defence of their province, with incredible meanness, instructed their deputies to pass no act for laying the necessary taxes unless their vast estates were in the same act expressly exonerated; and they had even taken the bonds of these deputies to observe such instructions.”

Before we enter upon the stormy period of Governor Morris's administration, some facts may be recorded which we have reserved to this place not to interrupt the current narrative of public events. In 1751 the Pennsylvania Hospital was founded, principally through the public spirit of Dr. Thomas Bond and Benjamin Franklin. The latter procured the passage of a bill through the legislature granting two thousand

pounds conditioned on the citizens subscribing a like sum. A lot was purchased in 1754 on the present site, and the whole square between Spruce and Pine and Eighth and Ninth streets was afterward given to the institution by the proprietaries. The original design was a lunatic asylum, and it afterward took the present more comprehensive character. It is abundantly furnished, and has always been well managed. The celebrated picture by West, Christ Healing the Sick, was presented to the institution by the artist, and the revenue arising from its exhibition is applied to the uses of the hospital.

In October, 1751, died James Logan, whose name occupies a prominent place in the early annals of Pennsylvania. For twenty years before his death he had lived in retirement from public office, though frequently consulted, especially upon Indian affairs. Down to the last the Indians retained their respect and affection for him; and the celebrated Indian chief Logan was so named by his father in honour of Logan, the friend of Penn, and the friend of the Indian. When the first declaration of war against the Indians was made in Pennsylvania, William Logan, inheriting his father's kindness to the race, withheld his vote, though the only one in the council who did so. James Logan would have been celebrated as a man of letters if he had not been so prominent in public life. The Lo-

ganian Library, now incorporated with the Philadelphia Library, was among his bequests to Philadelphia, together with a house and thirty pounds per annum for its increase. The collection, at the death of the donor, amounted to nearly three thousand volumes. At the time of his death he was seventy-seven years old, and had passed over fifty years of his life in Pennsylvania. He was the patron of arts and literature, and respected for his virtues as well as admired for his talents; he outlived the temporary clouds under which his attachment to the Penn family had caused him to pass in the popular estimation.

In 1751 the English Parliament passed an act reforming the calendar, and commencing the year in January instead of in March, as previously. The assembly of Pennsylvania followed it by an act "to prevent disputes about conveyances," making valid all instruments dated as of the months in their numerical order, being the revival of an act under the new style which had been passed under the old.

The selfish policy of the home government in regard to the industry of her colonies was exhibited from the beginning. In 1700 these measures took the form of law, and an act of Parliament prohibited the transport of domestic woollens from one colony to another, or the export of wool or woollen fabrics from the colonies

to any foreign country. Twenty years afterward, the Commons resolved that "the erection of manufactories in the colonies tended to lessen their dependency on Great Britain," and it was attempted to prohibit the production of iron in the colonies. The product of iron, even at this early day, was by no means inconsiderable in Pennsylvania, whence a supply was furnished to the other colonies. Though, owing to the strong remonstrances of the colonial agents, the production was not prohibited, still, for the benefit of the English iron masters, its importation from the colonies into Great Britain was burdened with very heavy duties. Subsequently, pig iron manufactured in the colonies was admitted into England free of duty. But the fabrication of steel and bar iron, which the colonists had commenced, was rigidly restricted to the few works already in operation.

As early as 1724, the London ship-carpenters complained that their trade was hurt, and their workmen emigrated, since so many ships were built in the colonies. The Board of Trade despaired of a remedy. They could not forbid the building of ships in America. But the jealousy of the English government, lest the colonies should become independent of the crown, and the avarice of English merchants, manufacturers and corporations, did not rest until, by successive navigation acts and commercial restrictions, the

colonies were driven into feeling that they were foreigners and not fellow-subjects. The navigation laws began with an ordinance, (1651,) restricting importations to English vessels, but still allowing a direct trade between Europe and the colonies. In 1660 foreign ships were excluded from all Anglo-American harbours. In 1663, by another act, all the more valuable products of the colonies were required to be shipped exclusively to England. In 1672 a transit duty was imposed on certain articles carried from one colony to another, the same rates being demanded that these articles would pay if carried to England direct. In 1696 the Board of Trade and Plantations was established, former laws in regard to the trade and industry of the colonies were consolidated, new and more rigorous clauses were added, and, in addition to the inhibition of trade between the colonies and foreign countries, all direct trade with Ireland was prohibited. William Penn in vain suggested a Colonial Board, to be formed of representatives from the colonies, to meet annually, and regulate commerce and establish union for the purposes of defence. Ministerial policy would suffer no such union. A military dictatorship was proposed by the Board, but neither plan was adopted. The Board of Trade became the colonial department, and monopolized the public business relative to the American possessions of Great Bri-

tain. They were the supervisors of colonial laws. Before the Board of Trade the colonial agents and proprietors were heard on appeals. The origin and name of this bureau exhibits the light in which the colonies were regarded; and to their fostering care the world is mainly indebted for the successive inroads upon right and justice which finally dismembered the British empire, and led to the establishment of the great American Republic.

Under all these vexatious restrictions upon manufactures and commerce, Pennsylvania still flourished, having in her constitution and laws the germs, and in her people the spirit of true independence and progress. Manufactures still flourished though crippled, and restricted in many cases to the consumption of the province, and even limited to the demands of families and communities. Ship building began in Penn's time; and steadily proceeded, laying the foundation of the reputation which Philadelphia now enjoys of building ships second to none in the world. And it is a remarkable fact, now almost forgotten, that in 1753 and 1754 two attempts were made in a Philadelphia schooner to solve the problem of a North-West passage. The vessel was the *Argo*, Captain Swaine. The results of the voyages were not important; but the fact remains—an evidence of the enterprise and liberality of Philadelphia merchants and

citizens under circumstances of discouragement, sufficient, it would seem, to crush the soul of commerce—to say nothing of the speculative spirit of discovery.

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## CHAPTER XIII

Commencement of the dispute between Governor Morris and the assembly—Arrival of General Braddock—Services of Franklin in providing means of transportation—Action of the legislature—Aid to Massachusetts—Continued legislative difficulties—Disastrous folly of General Braddock—His defeat—Services of Washington as a volunteer—Dispute about proprietary taxes—Consequent embarrassment—The project to give bounty lands condemned by the assembly—Indian depredations—Continued disputes upon financial matters—Petitions and remonstrances—Proprietary donation—The Supply Bill passed—Excise Bill defeated—Franklin's Militia Bill—Course of the Quakers—Volunteer military—Declaration of war against the Indians—Labours of the Quakers to promote peace—Council at Easton—Resignations of Quaker members of the assembly—Close of Governor Morris's administration.

THE first dispute between Governor Morris and the assembly was upon the usual topic of dissension, a money-bill. He called upon the house for supplies for the king's service, and seconded his request with a detail of the opera-

tions of the French, the weakness of the frontiers, and the temper of the Indians. The house voted forty thousand pounds currency, one-half for the use of the king, the rest to supply the torn and defaced bills of former issues. Provision was made for its redemption by the excise duty in twelve years. The governor insisted upon reducing the time to five, and the bill was lost. Increased demands for military munitions and for men were made the basis of another appeal from the governor to the legislature. The house referred him to the bill which they had already passed which awaited his signature, but in the meanwhile appointed a committee to borrow five thousand pounds on the credit of the assembly.

While a war of messages and replies was going on between the executive and the legislature, Major-General Braddock, with two regiments, arrived at Alexandria, March, 1755. Through the public spirit and address of Franklin, wagons, horses and drivers were provided to transport the British forces. Franklin was requested by the assembly to visit the camp, not as the agent of the assembly, but to offer his services as postmaster-general. His activity and shrewdness accomplished all that was necessary. The assembly which had been convened to meet the exigency, responded at once to General Braddock's demands: the establishment of a post between Philadelphia and Winchester, the Penn-

sylvania quota of men, and her portion of the supplies. They gave no direct encouragement to the raising of troops, but applied themselves to meet the other requisitions. Every thing would have been promptly done but for a pitiful technical dispute, which the governor commenced, in relation to the journals of the house. Ten thousand pounds, required by Massachusetts for the northern frontier, were raised, by the suggestion of Franklin, by drafts on the loan-office, without the governor's aid, he having refused to sanction a bill passed by the house for the same object—or even to return it with his objections. It is but justice to the assembly to say, that except upon subjects where their jealousy of proprietary assumptions stood in the way, they cheerfully contributed to the public defence. Bills were passed forbidding the export of provisions to French possessions.

In June, 1755, General Braddock broke up his encampment at Will's Creek, and moved across the Alleghanies to attack Fort Duquesne, confident of his ability to take that post. Indeed no one, except a few of the sagacious and thoughtful, deemed that there was a doubt of his success. The general himself only feared that the enemy would abandon and dismantle the fort, and make it necessary to repair it or construct another. Preparations were on foot among some of the sanguine in Philadelphia to celebrate the

victory by fireworks and rejoicings. Letters were received by Governor Morris from General Braddock, requiring him to provide for the defence of the frontier settlements, which he said would be attacked as soon as he had passed beyond them. He also desired stores to be ready to forward to Fort Duquesne, when he should have taken possession. Governor Morris convened the assembly, and asked for the necessary supplies. The house requested to see Braddock's letter. The governor demanded a pledge of secrecy if it were communicated. The house resented this insult to their honour and discretion, and upon such a point of pertinacious etiquette adjourned without doing any thing whatever—the old dispute about bills for raising money being renewed. And this was while their own province was the seat of war.

Meanwhile, General Braddock was proceeding with pompous foolishness in his march through the wilderness; "halting," says Washington in a letter written during the march, "to level every molehill and to erect bridges over every brook." Washington had resigned his commission in consequence of orders from the War Office that all officers holding royal commissions should take precedence of officers holding the same rank in the provincial service; but, at the solicitation of General Braddock, he joined him as a volun-

teer aid-de-camp. Such of his suggestions as were followed were of great service. Had Washington and other Americans been further consulted, disaster would have been averted. Within seven miles of Fort Duquesne a handful of men put General Braddock's force to a complete route. Opening a fire upon the advancing troops under cover of trees and other objects, the French and Indians threw them into terror and confusion. The English and provincials bravely stood the shock for two or three hours; the provincials in particular, to whom this mode of warfare was not new, did themselves great credit. General Braddock in vain opposed old-world tactics against bush-fighting savages; the regulars, unable to see their foe, broke and fled, or fired upon their provincial allies, who had taken to the shelter of the trees to fight the enemy in their own way. Washington was the only officer of the staff alive and unwounded, and he had two horses killed under him, and four balls passed through his coat. General Braddock and the other officers behaved with great courage, sixty-four out of eighty-five and one half the privates being killed or wounded. Among the slain was the unfortunate commander. The route was complete, every thing was lost, and a party who only expected to annoy and delay the march of a su-

perior force were astonished at gaining a complete victory.

The remains of the forces were withdrawn from the frontier of Pennsylvania, and to the first consternation of defeat were added the frightful tales of settlers hurrying for safety back to the more densely settled portions of the province. The Indians now proved themselves enemies without any considerable exception.

At this dark hour it might have been expected that there would have been unanimity between the branches of the government. The assembly immediately voted fifty thousand pounds to the king's use, to be levied by a tax on all estates, real and personal, throughout the province, the proprietary estates "not excepted." The governor returned the bill with one amendment—the striking out of the word *not*, leaving the property of the Penn family wholly exempt.

Thus, at a moment of imminent peril, was the dispute re-opened—a dispute to which the mildest term we can apply is the one which Franklin, himself a party to it, uses. It was indecent. Paper pellets passed between the governor and the assembly, while the province was in danger and unprotected. About three hundred only of the Indians maintained their attachment to the English, and these even were looking to the

French as allies more to their mind, and surer friends. But the supply bill remained unenacted. The governor then proposed to give bounty lands west of the Alleghanies to any who would volunteer against the French. The house disputed his authority to make the grant; and alleged, moreover, as the land given would still be subject to a quit-rent of four-and-sixpence, while land in Virginia was gratuitously granted under a quit-rent of two shillings, and even that suspended for thirteen years, the governor's proposal amounted to this:—that to those who would, at the hazard of their lives, reconquer the proprietary's country from an enemy, the proprietors would graciously sell a part at twice the price demanded by their neighbours. Franklin's pen was evident in this.

The terrified inhabitants implored for arms and ammunition, and certain gentlemen subscribed five hundred pounds, the estimated amount of the tax on the proprietary estate. That they offered to the assembly. That body declared they had no right to compound for the taxes on an estate, and sent the petition to the governor with the subscribers' names, "trusting, that with this security that the proprietors would be reimbursed," he would sign the bill taxing their property, and look to the subscribers for indemnification. The assembly adjourned without passing the supply bill; but they provided

for the appeals for arms by granting one thousand pounds for the use of the western inhabitants, to be disbursed by a committee, with the governor's sanction. At the next session, held in September, the subject of a demand from Massachusetts for supplies came before the house. The assembly asked for the letter of the governor of Massachusetts. The governor communicated its tenor. The house refused to act without a sight of the document, declaring that "great inaccuracies and want of precision having been frequently observed in the governor's *manner of stating matters*," they could not legislate on such data. But one of the members producing a private letter from a friend in the Massachusetts government to himself, upon that informal paper the house appointed a committee to receive private subscriptions, and adjourned. Subscriptions were received and forwarded. Truly the people had great patience with their legislature.

A new assembly was elected, but substantially of the same character. After a formal meeting the assembly adjourned to December, but was summoned to meet on the third of November by new alarms. Inroads were made into Pennsylvania by marauding parties of savages, who could for some time scarce believe that the frontier was unguarded, and kept aloof, fearing that the apparent want of protection was an artifice

to beguile them into an ambuscade. But when they were convinced of the defenceless state of the frontier, the most barbarous and appalling murders were committed. Settlements were destroyed, and not only isolated families, but whole communities were broken up and massacred. The Moravian brethren at Gnadenhutzen were attacked, and eleven men, women and children were killed, some being burned to death in their dwellings. The Shawanese and Delaware Indians, who had been humanely refused permission to fight against the French and hostile Indians, now went over to the enemy. For the heads of the chiefs of these tribes, a reward of seven hundred dollars was proclaimed by citizens of Philadelphia with the governor's approbation. During the month of November nearly a hundred persons were killed by the Indians, and forty frontier settlements were broken up.

The governor desired of the assembly, money and a militia bill. After wasting some time in the discussion of the causes of the Indian defection, and the effort to fix the blame of it upon the proprietaries, the house took up the money bill again, being overwhelmed with petitions from all parts of the province, in some of which the assembly was entreated to forbear unnecessary disputes, and yield to the governor rather than endanger the lives of the people. A bill was passed for levying a tax, embracing the pro-

prietary estates, but releasing them from the tax, or refunding it, if the proprietors refused to assent to it. The governor declined to approve this bill, but proposed an act to tax the estates of the proprietors by a joint-commission, to be appointed by himself and the house, with a clause suspending its operation until it was approved by the king. The house refused to accept this proposition, on the ground that the governor had no right to prepare a money bill, and threatened to petition the throne for his removal.

The outside pressure on the contentious government continued. The mayor, and some of the leading citizens of Philadelphia, changed their form of petition to terms which the house denounced as "presuming, insolent and improper." The inhabitants of the outlying districts of Philadelphia county came down in a body of four hundred, waiting first upon the governor, and then upon the house. Executive and legislature accused each other of the delay which the sturdy remonstrants complained of. The petitioners, crowding the hall, begged the legislators to stop these unseasonable debates, and protect their constituents. Even the few Indians who remained faithful to the province, implored the whites to take up arms, build forts and furnish supplies, and give them an immediate answer that in case of refusal they might consult their

own safety by following their countrymen over to the enemy for safety.

The house were at length relieved from their dilemma, and their pride was saved by a fortunate circumstance. The news of Braddock's defeat awoke the proprietors to the danger of their province, and they immediately despatched to the governor an order for five thousand pounds, to be applied to the use of the colony. The house passed the supply bill with the governor's amendment, releasing the proprietary estates from taxation, and regarded the donation made by the Penns as an equivalent. The sum given by the proprietors was to be paid from the arrears of quit-rents. One thousand pounds were collected and paid over. To give the colony at once the benefit of the remainder, the receiver-general prepared a bill for the emission of currency, to be redeemed as the rents were collected. In this bill he stated the five thousand pounds to be a "free gift." The house added, with characteristic pertinacity, "in consideration of being exempted from the payment of their taxes toward raising the sum of sixty thousand pounds, granted by the assembly for the king's use." The governor refused his sanction, the bill was lost, and the four thousand pounds were left to be received as collected. It was certainly rather a strong assumption in the house to undertake to define the motives of men

across the Atlantic in a legislative enactment. Another contest occurred between the governor and assembly this year (1756) in relation to the finances. The excise bill being about to expire, the house framed another. The governor amended it by a provision that the executive should have a joint control with the house over the proceeds of the tax. The house refused to accept the amendment, and the bill was lost.

No laws were passed during the administration of Governor Morris, except such as related to the defence of the province. Among these was a Militia Bill, prepared by Franklin, which received only four dissenting votes. It was carefully drawn, and entitled "An act for the better ordering and regulating such as are willing and desirous to be united for military purposes;" and in its preamble it recited that the assembling of volunteers "without authority or call from the government, and without due order and direction among themselves, might be attended with danger to our neighbouring Indian friends and allies, as well as to the internal peace of the province." The complexion given to the bill was that of an act to direct those who were resolved to fight rather than a measure to compel or even encourage enlistment. Indeed, compulsion was declared to be a violation of the fundamental law of the province. But the preamble also contained an assertion in regard to the

principles of the Friends, which we are astonished that any of the Society assented to. "Whereas this province was first settled by (and a majority of the assemblies have ever since been of) the people called Quakers, who, though they *do not*, as the world is now circumstanced, *condemn the use of arms in others*, yet are principled against bearing arms themselves," &c. Nothing but the pressure of danger could have compelled Friends to vote that which is wrong in one is not in another. And at this very crisis appeared the "Testimony of Friends" against contributing money for warlike purposes. They declared their willingness to pay taxes or contribute money for benevolent purposes, and to cultivate friendship with the Indians. "Yet, as the raising of sums of money and putting them into the hands of committees, who may apply them to purposes inconsistent with the peaceable testimony we profess and have borne to the world, appears to us, in its consequences, to be destructive of our religious liberties, we apprehend many among us will be under the necessity of suffering rather than consenting thereto by the payment of a tax for such purposes."

Under the militia law, and by the efforts of Franklin and other influential men, voluntary associations were formed; and Franklin, with five hundred and sixty men, undertook the erection of defences along the north-western

frontier. These defences were erected at an expense of eighty-five thousand pounds, in part paid by the assembly, and in part by private subscriptions. The frontier was, in fact, better defended than that of any other colony, after the work of defence was once undertaken. There were associated companies ready to march whenever called upon, and there was money in the treasury to pay their expenses. And to the general defence Pennsylvania afforded recruits in greater number than any other colony, while her outlay of money, direct and indirect, was fully equal. Formal grants were prevented by the discussion of what were deemed important principles, yet the funds were nevertheless raised.

Franklin returned to the city at the earnest request of his friends in the assembly, and there found that the military organization was going on rapidly. A regiment was formed, mustering twelve hundred men, of which Franklin was elected colonel. It was reviewed by the colonel on Society Hill, and the Pennsylvania Gazette of March 25th, 1756, declared it a<sup>d</sup> the general opinion that "so grand an appearance was never before seen in Pennsylvania." The military feeling was predominant. The governor proposed to declare war against the Delaware and Shawanese Indians. A motion was made in the assembly to address the governor and petition him to suspend the declaration; but after much

debate it was suspended indefinitely. Many of the Quakers attended the house and prayed that body to join them in a remonstrance, but the assembly postponed the consideration of their petition. The Quakers then drew up a characteristic and eloquent memorial to the governor against the measure, but it was ineffectual. War was declared by the governor and council, only one member, William Logan, dissenting. And it is matter of deep regret that the declaration was accompanied with an offer of reward for scalps.

But while the executive took this measure the assembly, true to the pacific principles of the founder of the colony, lent all their efforts to the work of averting the necessity of war. They laboured with diligence and discretion to propitiate the savages. Through their kindness to the friendly Indians, the Six Nations were induced to mediate between the Shawanese and Delawares and the English. The leading Quakers were active, inviting the friendly Indians to their tables, and persuading them to use their influence with the others to induce them to return to their old friendship for "Onas" and his successors. Sir William Johnson, at a conference in New York with the Six Nations, aided in the work of pacification. Conferences were held and hostilities suspended, the conferences being principally under the direction and influence of the Quakers. In July, 1756, a council was held

at Easton, at which Teedyuscung, a celebrated Delaware chief, represented the Indians, and in that and in subsequent conferences displayed great firmness and shrewdness. The Quakers attended as umpires. Nothing was finished at this convention, but another one was determined upon to meet in November. But before that time arrived Morris had ceased to be governor.

During the last year of Governor Morris, several Quakers resigned their seats, unable to reconcile the discussion of war questions with their consciences, and the same course was also taken by "Friends" in the next assembly. The affairs of the colony were discussed in England by pamphlets and by newspaper correspondents, and Governor Morris and his friends had no equal share in the discussion. Appeals to the foreigner brought the internal affairs of the province before the English people. Governor Morris procured and forwarded to London a petition of inhabitants of Pennsylvania to the king, representing the defenceless state of the province, and praying his interposition. The petitioners were heard by their agent before a committee of the privy council. The committee in a report reviewed and condemned the course of the assembly in relation to the public defence; the militia law was declared improper and inadequate; and the report declared that there was "no cause to hope for other measures

while the majority of the assembly consisted of persons whose avowed principles were against military services." The militia bill was refused the royal sanction. A copy of the report of the committee, approved by the council, was sent to the assembly, and certain members resigned as above stated.

Pending the negotiations with the Indians, Governor Morris presented his personal claims on the assembly, having received nothing from the province for his public services since the first session after his arrival. But the house thought his services deserved nothing. Though the Delawares and Shawanese Indians were negotiating, the French and Western Indians were still devastating the frontiers. These inroads increased in audacity and savage cruelty; and of the three thousand settlers west of the Susquehanna, able to bear arms, not a hundred remained, except such as were enrolled in the volunteer militia. The governor asked for money to keep the troops in pay and supplies. The assembly sent up a bill for raising forty thousand pounds; but the old dispute about taxing the proprietary estates was revived, and a new war of messages and addresses was cut off by the arrival of William Denny, the new governor.

## CHAPTER XIV.

Destruction of the Indian town of Kittanning—Important effects of this victory—Movements of the Quakers—Friendly association—Negotiations with the Indians—Formal declaration of war between England and France—Governor Denny's instructions—Temporary submission of the house—Impolicy of the Penns—Review of the instructions by Franklin—His mission to England—His vindication of the province through the London press—The Historical Review—The proprietaries appear before the Board of Trade—Franklin appears for the province—The question decided in favour of the assembly—Franklin's advice in relation to the war—Pitt prime minister—Operations of the army—Capture of Louisburg, Fort Frontenac, and Fort Duquesne—Ticonderoga, Niagara and Quebec—Capitulation of Montreal—Close of the war—Royal disapprobation and provincial indifference—Renewed Indian murders—The frontiers depopulated—Relief of Fort Pitt—The Paxton Massacre—Danger of the Moravian Indians—Manly conduct of Philadelphia—Vigorous measures to close the war—Expedition of Colonel Bouquet to Muskingum—Restoration of prisoners—Peace with the Indians.

OFFERING a reward for the head of a man, savage or civilized, has no great tendency to dispose him to peace; and while the negotiations with the Indians were in progress, Captain Jacobs and Shingas, the two Delaware chiefs for whom the reward was offered, were scattering arrows and death on the frontier, their headquarters being the Indian town of Kittanning, on the Alleghany—the site of the present town

of the same name. Against this place Governor Morris, who, warm in his contests with the assembly, was no less active in his duties as governor and commander of the forces, had planned an attack. The plan he communicated to the new governor.

The officer to whom the expedition was entrusted was Colonel John Armstrong of Cumberland county, and a command in the regiment was held by Hugh Mercer. Both of these men were afterward distinguished in the war of the Revolution. The town of Kittanning was within thirty miles of Fort Duquesne and the contempt which the Indians had at this time acquired for the inefficiency of the operations of the English, led them to deem themselves in perfect security at this distant point. From thence war parties sallied, lighting up the whole frontier with burning dwellings. With a force of about three hundred men Armstrong surprised Kittanning on the morning of the 8th September. The Indians resisted manfully, but were defeated, between thirty and forty being killed in the attack or burned in their houses. They were offered quarter but refused it, declaring they were men and would not be taken prisoners. The attack was opportune, as on the very day it occurred the savages were to have been joined by a party of French Indians, to set out on an expedition against the whites. Eleven English prisoners

were found in the town and released. Large quantities of goods, presents from the French, were burned; and the powder, of which every house contained some, exploded from time to time as the buildings burned, projecting the bodies of the Indians in the air. The effect of this action was to drive the survivors of the hostile tribes to the west of Fort Duquesne as their residence, thus making the French lines their frontier. The city of Philadelphia addressed a letter of thanks to Colonel Armstrong and his officers, and presented him with a piece of plate. A commemorative medal was also struck.

This victory had an important influence on the negotiations which were pending with the Delawares. Pursuant to appointment, Teedyuscung and other Indian chiefs met Governor Denny and Colonel Croghan at Easton in November. The Quakers, determined to put an end to the war, if possible, by removing the cause, were present in large numbers. An association called the Friendly Association for preserving peace had been formed by members of the society and others. This association was liberal in its contributions of money, and active in its pacific exertions. They put Teedyuscung upon his guard, advising him at every step, and protecting him against his own infirmities. At their suggestion, and notwithstanding the opposition of Governor Denny and Colonel Croghan,

Charles Thompson, afterward secretary of the Continental Congress, appeared as the secretary of Teedyuscung, to take minutes of what was done and said in the council. Mr. Thompson was present as the reporter of the Peace Association. The regular secretary of the council was the secretary of the governor, but his minutes being disputed by the Indians, Mr. Thompson's were called for. The Indians pronounced them true, and forthwith adopted him into their family, giving him a name which signifies "The man who speaks the truth." And this, by the way, was always Mr. Thompson's character.

Another council was held in the summer of 1757, and another in the fall of 1758: Teedyuscung being always present as the representative of the Delawares and other small tribes. He succeeded, against the governors of New Jersey and Pennsylvania, Sir William Johnson, the general Indian agent for the British provinces, and against the chiefs of the Six Nations, in establishing the fact that the Delaware Indians had been wronged. Much intercourse with the whites had given him a very respectable knowledge of English, and he did not mince words. The Peace Association were his counsellors. He charged that the Indians were defrauded in various modes—by the "walking purchase;" by running lines by the compass, which the Indians knew nothing about; by buying of one king the

property of another; and by affixing the Indian names to forged deeds. And he alleged that the Six Nations gave lands to the Delawares, and then sold them to the whites from under their feet. He said that when they had a dispute with the English, the latter sent for the Six Nations, and corrupted them with presents. Then the Six Nations (as already mentioned in a previous chapter) called them hard names, and drove them from the land without a hearing.

The sale of Indian lands, made in Albany by the chiefs, it appears was made under a misapprehension. The sale was defined as of all the land south-west of a west-north-west line from the mouth of Penn's Creek to the western boundary of the state. When the line was run, it was found to strike the northern boundary, and the Indians were thus entirely unseated. It has been well remarked that "the blood of Braddock's soldiers was added to the price of the land." That Teedyuscung could establish his charge relative to the forged deeds is not credible. There was no need of such a fraud, when the simpler mode of "putting an enemy in their mouths" could be resorted to. A bargain closed with an Indian drunk, might well be scouted as forgery by an Indian sober. Penn made all such contracts null and void by law; and if his course had been adhered to, no Indian wars in Pennsylvania would have been formidable. As the

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result of the conference of 1758, all the land west of the Alleghany, purchased in 1754, was restored to the Indians; an additional compensation was given for what they relinquished, and all causes of misunderstanding were supposed to be removed. The Quakers caused a medal to be struck in commemoration of this treaty. They were reprov'd by the governor for their interference, and informed that their conduct had given dissatisfaction in England. Sir William Johnson complained that they intruded upon his office; and many of their fellow-creatures visited them with the reproach of partiality to the Indians, and treachery to their own race. It is evident, however, that they did a good and a just work; and the governor further consulted them in the propitiation of distant tribes, in which service none could succeed as well as they.

After a long period of actual hostilities in their colonies and on the ocean, war was formally declared between England and France in May, 1756. The chief direction of the war in America was given to Lord Loudoun, who was appointed governor of Virginia, and colonel of the royal American regiment. The assembly of Pennsylvania was duly notified by the governor of these changes, and the royal instructions were communicated that they should appropriate the funds raised for the public service under the direction of the governor-in-chief, and, that the

American regiment might speedily be raised, provide for the payment of the masters of such servants as should enlist. Governor Denny, who came into office after these events, found no provision made by the legislature. But the tired members were willing to conciliate. They congratulated him upon his accession, made him an appropriation of a thousand pounds, and asked him for a copy of his instructions.

By the tenor of his commission it appeared that he was to deprive the assembly of the sole control of the public money; to refuse assent to any emission of currency, unless provision were made to secure the quit-rents from loss by its depreciation; and to exempt unoccupied and unimproved lands and proprietary quit-rents from taxation. The house, after receiving this statement of the tenor of the proprietary instructions, appealed to the governor to know if he should adhere to them in cases when the measures of the house, though not in accordance with the proprietary instructions, still had the approbation of his own judgment. Governor Denny answered that he could not recede from them without the risk of his honour and his fortune. The house then wisely changed the plan of their operations. They passed, under protest, the excise bill, a portion of the proceeds of which were to be applied by a committee of the house, with the approbation of the governor. And the public

necessity being urgent, they passed also a bill for levying one hundred thousand pounds tax upon all property in the province, the proprietary estates excepted, the governor obstinately withholding his assent unless that condition were incorporated in the act. But these proprietary victories in the province, being the assertion and maintenance of anti-republican principles and selfish policy, recoiled upon the victors in a way which they might have anticipated. Wisdom should have admonished them better. Thomas and Richard Penn, at this time the proprietaries, had neither in the province nor in England the strength of their father. The weight of the personal character of the founder, and his connection with the Society of Friends, gave him a party and adherents in the province, and respect at home. But the sons left the Quakers; and the influence of that body in Pennsylvania was decidedly rather with the people than with their hereditary governors. The English government had long been tired of proprietary machinery in the colonial relations; and true policy should have prompted the Penns to have made friends in some quarter. They apparently chose to stand alone.

The proprietary instructions were referred to a committee of the house, of which Franklin, of course, was a member. This body made a report, drawn up by Franklin, and written with all the

acumen and force of which his vigorous mind was capable. The house also despatched Franklin to England, with instructions first to remonstrate with the proprietaries, and, failing to make an impression upon them, to appeal to the Board of Trade, and thence, if necessary, to Parliament. Franklin arrived in England in July, 1757. It was not until June, 1760, that his business was brought to a successful termination.

With an eye to what he soon perceived must be the ulterior appeal, Dr. Franklin immediately set himself about the work of correcting public opinion in relation to Pennsylvania. He took the initiatory steps in his mission, by tendering a general remonstrance to the proprietaries, covering the grounds of complaint which had occasioned the differences between the governors and the assemblies. The London newspapers were full of unfriendly articles against the people of Pennsylvania, as factious and hostile both to the king's prerogative and to proprietary rights. They were charged with reluctance and backwardness in the public defence, and of refusing to raise money for the public service, and of wasting time in discussions while the Indians ravaged their frontier, except by laws clogged with such conditions that the governors could not sanction them; and upon the Quakers in the assembly was charged the principal agency in these untimely dissensions.

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Franklin took occasion to answer an article in one of the newspapers, in which were embodied the various allegations against the Pennsylvanians. He did this in a clear statement of facts, showing what Pennsylvania had done, and how liberally money had been furnished, forts built, and a vessel of war fitted out. Not only had Pennsylvania borne her own expenses, unaided, but given assistance liberally to others. In short, the letter demonstrated that, though the Quakers were opposed to war, they rather withdrew from public affairs than strove to embarrass them; and that in the unjust instructions of the proprietaries to their governors the difficulties had their origin. This letter, written by Franklin, was signed by his son. It had a good effect on the public mind, and was shortly followed up by another and more important paper. This was entitled "An Historical Review of the Constitution and Government of Pennsylvania." It was of course *ex parte*, being written with a purpose which there was no attempt to conceal—to defend the cause of the people against the proprietaries. The latter were not spared, even the founder being brought under strict examination and free censure. As a controversial paper it is one of the ablest in the English language. The facts and chain of reasoning appear to have been furnished by Franklin to James Ralph, a former resident of Philadelphia, who made the

compilation in order that Franklin might deny the authorship, which he did positively. But applying the old maxim, "What one does by another is his own act," Franklin must be regarded as the author.

Franklin found the authorities in England inaccessible. He could not bring his business to a point. But what his endeavours could not accomplish, the short-sighted folly of the proprietaries brought about. They answered Franklin's remonstrance by a letter direct to the assembly of Pennsylvania, maintaining their old positions. This letter reached the assembly (1759) while they were engaged with the governor about a supply bill. They refused to exempt the proprietary estates, though they had submitted in former instances, and Governor Denny yielded his assent. The house showed their gratitude by voting the governor a thousand pounds. They gave him a like sum upon his passing a bill for the issuing of paper money without a clause protecting the rents from depreciation, and the same sum on his approving a bill in relation to warrants and surveys, which bill was not palatable to the proprietary family. These sums, to be sure, were only arrears justly due; but they were paid at a time so peculiar, that the proprietaries closed the account by removing Governor Denny. Governor Hamilton was a second time appointed.

These bills came over to England for the royal sanction. The proprietaries appeared by counsel before the Board of Trade in opposition to them, and Franklin, as the agent of the assembly, with the assistance also of counsel, appeared in their support. Thus what he had been unable to obtain, the proprietaries unwillingly afforded him, to wit: a hearing before the Board. All the laws were negatived, except that taxing the proprietary estates. This, much to the chagrin of the proprietaries, received the royal approval, though coupled with conditions that the governor should have a voice in the disposal of the money; that their waste lands should not be taxed; and that their unimproved lands should be rated as low as those of any of the inhabitants. Thus the principle was conceded for which the assembly had contended; and not only was Pennsylvania pleased with her agent, but the colonies of Massachusetts, Maryland, and Georgia pressed upon Dr. Franklin the management of their affairs in Europe.

The comprehensive mind of Dr. Franklin never narrowly pursued one subject to the exclusion of others. In common with other intelligent Americans, he had seen and felt the inefficient manner in which the war against the French was conducted in America. Through his advice, and the information which he communicated, Mr. Pitt, then prime minister, gave the able direction

to the conduct of the war which led to its successful results; and it was Franklin's publications which led to the retention of Canada by the British in the treaty of 1762. The operations of the campaigns of 1756 and 1757, under Lord Loudoun, resulted only in defeat and disaster. Pennsylvania was relieved, as we have noticed, by Indian treaties; and the operations of the war, not within her territories, do not come within our scope. In 1758 Lord Loudoun having been recalled, General Abercrombie commanded in chief, with Major-General Amherst as second in command, and Wolfe and Forbes as brigadiers. Mr. Pitt addressed letters to the colonies, urging them to activity and union, and promising reimbursement of the expenses borne by the colonies. New life and vigour were infused into the whole field of operations. Major-General Amherst reduced Louisburg, General Abercrombie, failing at Ticonderoga, compensated for that repulse by the capture of Fort Frontenac, near the junction of the St. Lawrence with Lake Ontario. Brigadier-General Forbes took possession of Fort Duquesne in November, the enemy, awed by the successes of the British arms, holding the post only till the approach of the English should justify its abandonment. The retreating foe dismantled the fortifications, but they were put in repair at once and garrisoned. This closed the campaign. Fort Duquesne be-

came Fort Pitt, and was never again occupied by French or Indians. The march to the place was interrupted by two serious encounters, in which the English and provincial forces sustained heavy loss, and the troops suffered much from fatigue and destitution. But the result elevated the hopes of the colonies, and gave them new courage. The assembly and Governor Denny were as usual at variance; but we will not weary the reader with these disputes. The assembly liberally answered requisitions; and their public spirit was not overlooked, as we shall presently see.

General Amherst was in 1758 appointed commander-in-chief. In the summer of 1759 he reduced Ticonderoga and Crown Point. In July, Fort Niagara fell before Sir William Johnson, upon whom the command had devolved by the death of General Prideaux. In September the gallant Wolfe wrested Quebec from the no less gallant foe, Montcalm. Both heroes fell in the engagement. "They fly! They fly!" caught the ears of the dying Wolfe. "Who fly?" he asked; and being answered "The French," he replied, "Then I die happy." And when Montcalm, mortally wounded, was told he could survive but a few hours: "So much the better," he said, "I shall not see the surrender of Quebec." So all-absorbing is the fanaticism of arms!

During the remaining time of the war with France there were no military operations in the territory of Pennsylvania. Montreal capitulated in September, 1760, carrying with it all the points in Canada which the French held. In November, 1762, after a short period of war with Spain, England concluded a treaty with both powers, which put her in possession of the whole continent north of Mexico, and east of the Mississippi. The country west of the Mississippi had been ceded by France to Spain during the year before: so that nothing now remained to France upon this continent.

In accordance with Mr. Pitt's promise, whatever the colonies contributed above their just quota as parts of the empire was redeemed, and Pennsylvania received twenty-six thousand pounds as her quota. The disposal of this occasioned some difference between the governor and the assembly; and there were also some other disputes about money and men. The removal of danger awakened the spirit of opposition. George III. had now succeeded to the throne; and the official communication of the peace with France was accompanied by a letter expressive of his majesty's high displeasure at the late evasions of the assembly—such as granting, with seeming cheerfulness, the royal requisitions for men, but so constructing their supply bills that the governor could not sanction them. Governor Ha-

milton was directed to inform the assembly that the king considered such conduct as proceeding from a predetermination not to afford any assistance to the general service when the immediate danger was removed from their own door; and that such conduct, equally with their absolute refusal to furnish recruits for the regular forces, had incurred his majesty's just displeasure. Governor Hamilton laid the letter before the house without comment; and it was entered upon the journal without any action upon it. The knowledge of what they had done and suffered, and the peculiar difficulties in which they were placed by the exactions of the proprietaries, indisposed them probably to re-open the discussion.

Though England, and France, and Spain had agreed upon terms of peace, the Indians, so many years participants in a course so accordant with their nature, were not so readily to be pacified. Having treated with her own Indians, even including Shingas, for whose head a reward was once offered, Pennsylvania looked for peace. The borders of the province were re-peopled; settlers returned to their farms, and new plantations were taken up. Suddenly and unexpectedly a new alarm arose. The western Indians had formed a confederacy to attack all the frontiers of the provinces. They commenced the work of murder by killing the traders whom they

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had invited among them; and next attacked all the weaker garrisons west and north of the Ohio, in most cases taking the posts and murdering the garrisons. In the confidence of peace these places were weakly manned, and were overwhelmed without much resistance. The Indian murders in Pennsylvania commenced in June, 1763, at Fort Pitt, killing Colonel Chapman and five or six soldiers, whom they surprised outside of the fort, and butchering women and children. Through the whole season these outrages continued, and were perpetrated along the border, from Carlisle to Bethlehem. The savages came in small skulking parties, venturing even into the interior settlements, burning houses, and slaughtering men, women and children. The settlers, organized into bands of rangers, routed the Indians whenever they came in force or could be overtaken; and maddened by the Indian outrages, the whites partook of the fury of their foe, and shot and bayoneted the Indians without mercy. The barrier towns were crowded with houseless wanderers driven in by the savages, barely escaping with their lives, and in most cases mourning the murder of some of their families and kindred. Philadelphia liberally contributed to the relief of the sufferers, and all the unwasted parts of the province aided. The frontier settlers, under command of Colonel Armstrong, gave the first organized repulse to

the savage foe; and General Amherst placed the only regular troops available at the service of the province. The shattered remains of two regiments, worn down at the siege of Havana, were despatched, under command of Colonel Bouquet, to relieve Fort Pitt. This detachment gallantly performed the duty; and on the march, in two or three affairs with the Indians, did themselves great credit. The commander met the Indians with their own artifices, and leading them into ambush defeated and dispersed them. This expedition relieved the settlers somewhat by diverting the attention of the Indians, and compelling them to attend to their own defence. The harvests were gathered under military protection. The assembly voted eight hundred men, and passed a bill raising twenty-five thousand pounds for their support. Incredible as it may appear, this bill was lost by the disputes between the governor and the assembly. New ravages compelled the next assembly to pass another bill; but they took care to provide the money in such a way that it did not commit the assembly by concessions to the proprietaries, or give the governor pretext to reject it.

When the troops went into winter-quarters, or suspended their active operations, Indian murders commenced anew. The friendly Indians—a small remnant—under profession of neutrality, remained in their settlements, and refused to

join their brethren. But they were strongly—it may be justly—suspected of holding communication with the enemy, and it appears certain that some among them were treacherous. It is certain that they did not, as they probably might have done, warn the whites of what was impending; and some of the warlike Indians were traced to their settlements. These visits were no doubt unwelcome, but the poor Indians had no mode of preventing them. Nor were they free of apprehension themselves from their ruthless brethren.

In December, 1763, occurred a foul transaction, which is a sad blot on the history of Pennsylvania. The alarming condition of the province in regard to the Indians extenuates, nothing can excuse the conduct of the actors in the outrage. A body of armed and mounted men from Donegal and Paxton townships attacked an Indian village, occupied by friendly Indians, on the Conestoga manor, at daybreak, and massacred all whom they found. Many were killed in their beds. The unhappy creatures expected least such an attack from the whites, whom they regarded as friends and protectors. The greater part of the Indian villagers were absent at the time of the attack; and having escaped the first massacre were removed to Lancaster, and placed under the protection of the magistrates. But the rioters assembled again, and in greater

numbers. They broke into the workhouse, in which building the poor wretches had been placed, and murdered them all, unarmed and pleading for mercy. The massacre was done by about fifty men; and reliable tradition asserts, that though none of them were brought to the forms of justice, the curse of Cain was upon them, and they either died untimely deaths or ended their lives in poverty and wretchedness. The magistrates of Lancaster were inexcusable for neither taking measures to prevent this murder nor to arrest the murderers. The governor issued two proclamations, one after each massacre; and some efforts were subsequently made to detect the perpetrators, but without success. The province bled at every pore from Indian cruelties; the Paxton insurgents had many defenders; local disputes became entangled with public justice, and eloquent and artful pleas were written and published. Mistaken and distorted religious views entered into the discussion; and, as has been the case in many other outrages, the very enormity of the thing served to defeat its punishment.

The Moravian Indians were in great peril, but the authorities took them in charge and removed them from Bethlehem to Philadelphia, one hundred and forty in number. An attempt was made to send them to New York. The authorities of that state refused to permit it. The In-

dians were returned to Philadelphia; and the exasperated frontier men came down in large bodies, threatening to attack the city. Dr. Franklin was as usual active and energetic, and did himself high honour by the manly stand which he took against the authors and abettors in the outrage. He wrote and spoke freely and boldly. The city put itself in the attitude of defence, the regular troops were in readiness, and the citizens under arms or willing to take them up. The assembly fortified the governor by passing and extending the English riot act to the province. Dr. Franklin was grand pacificator. The governor took refuge in his house; the insurgents listened to his representations; and the citizens counted him as their right arm. Through his influence mainly the insurgents departed, leaving two of their number to represent their case to the governor and assembly. Their memorial answered the purpose of a popular appeal; but the assembly, against their remonstrance, passed a bill, changing the trial of persons accused of murder in Lancaster to one of the older counties. No trial for that offence was ever had; and the only effect produced by the act was the excitement of a false sympathy, which protected subsequent murderers from justice. The county of Lancaster was perhaps willing to punish its own Indian murderers; but rather than suffer them to be taken to another county

for justice would rescue them from the officers. The Moravian Indians, after the ferment had subsided, were removed to Wyalusing, near Wyoming, whence again they emigrated some years afterward beyond the Ohio.

Measures were now taken (1764) to reduce the Indians. Under the command of General Gage and the authority of the British government, operations were commenced against them upon a large scale. The Pennsylvania portion of the war was conducted under command of Colonel Bouquet, who had already shown great skill in such service. The supply bill was not passed till a debate had been had as usual with the governor, (John Penn,) but received his sanction in May, and in July he proclaimed war against the Shawanese and their confederates, offering bounties for prisoners and scalps, ranging from one hundred and fifty down to fifty dollars, according to sex and age. Colonel Bouquet pushed on to Fort Pitt, where he was reinforced by troops from Virginia. Thence, with fifteen hundred men, he pushed on to the forks of the Muskingum River, the heart of the hostile country, and then had little more to do than to receive the submission of the Indians. He had acquired a moral mastery over them which compelled their reverence, as did his preparations for physical force their fear; and he had the joy of restoring two hundred and six captives, men,

women and children to their friends. Many of these were welcomed in the camp by relatives who had joined the army, determined to rescue their friends or revenge their deaths. Such a scene as this affords a better exculpation of the Paxton and other outrages, than volumes of words could do; for it presents in a lively light the horror of the friends of the captured and murdered, their thirst for the punishment of a foe so ruthless, and the mutual joy of captives and of those who had effected their release at a restoration, the more joyous that it had been despaired of.

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## CHAPTER XV.

Governor John Penn—His construction of the tax law—Resolutions of the assembly—Petition to the crown—Franklin elected speaker—British policy toward the colonies—Franklin loses his election to the legislature—Sent to England as colonial agent—The Stamp Act passed—The effect in America—"Sons of Liberty"—Arrival of the stamps at Philadelphia—Union of the colonies—Non-importation—Philadelphia proceedings—Stamp Act repealed—Declaratory Act—New revenue laws—Awakened resistance—Pennsylvania resolutions—Non-importation again—Repeal of a portion of the obnoxious duties—The principle still maintained—First bloodshed in Boston—The Wyoming dispute—Death of Teedyuscung—First Wyoming massacre—Dispute with Virginia—Death of Logan the Indian chief.

ONE appeal to the royal government having been successful in obtaining the establishment

of a just principle of taxation—the including of the proprietary estates—the assembly of Pennsylvania determined upon another and a bolder step. Governor Hamilton had his difficulties in relation to money bills; but John Penn, Esq., who succeeded him as governor, in 1763, added a demand to past exactions which brought the quarrel to a crisis. In the midst of the Indian difficulties which filled the province with alarm, Governor Penn insisted that the agreement that the proprietary estates should be taxed only subjected those lands, of whatever quality, to the rates which others paid for the poorest lands. Against this selfish demand the assembly protested, but in the exigencies of the public were forced to submit.

They did not, however, silently yield the case, but appointed a committee to take into consideration the grievances of the province. This committee, of which Dr. Franklin was a member, reported a series of resolutions, reviewing the history of the province, and including all the subjects of complaint against the proprietaries. The resolutions concluded with a declaration, that for these reasons the powers of government ought, in all good policy, to be separated from the power conferred by the possession of an immense proprietary interest in the province, and lodged in the hands of the king. Having passed these resolutions they adjourned to consult their

constituents, and after seven weeks interval re-assembled. In the mean season a petition to the throne was prepared, and presented to the assembly for transmission. It was signed by three thousand five hundred of the people of the province. On the contrary part appeared only one petition, signed by about forty persons residing in an obscure town in Lancaster county. The Quakers, as a society, united in the petition for the contemplated change. The proprietaries had ceased to hold their sympathies; and though a few personal friends and adherents of the Penn family still clung to the proprietaries, the great body of the Quakers, and most of the Episcopalians, were of the party who preferred royal rule to the embarrassments of the proprietary machinery. The larger number of the Presbyterians were opposed to the change; and their leading clergymen addressed a circular to the people of their connection in the province against it. Other pamphlets were published. Speeches with prefaces appeared; and in various forms the press was employed in the discussion of the matter. The house prepared a memorial to forward with the popular petitions. The venerable Isaac Norris, speaker of the house, resigned rather than affix his name as speaker. Benjamin Franklin was chosen in his place, and affixed his signature to the petition.

But matters of more general and momentous

importance now overshadowed the colonial disputes of Pennsylvania. The British cabinet, in the spring of 1764, determined upon the Stamp Act, as the crowning measure of their schemes of finance for the colonies. The navigation laws and restrictions on trade and commerce were to be rigidly enforced. A standing army of ten thousand men was to be quartered in America, and a revenue was to be drawn from the colonies for the support of this force, and any excess over the sum requisite to go into the royal exchequer. The plan contemplated making the whole government independent of the people. The officers of the British navy were made custom-house officers. As the duties and customs were not sufficient, the sale of government stamps was to be added; but the imposition of the tax was deferred to give the colonies an opportunity to be heard, which opportunity, we may add, was never fairly accorded to them.

Our space does not permit us to go over the familiar history of American remonstrance, in which every colony, except those just acquired from France and Spain, united. Pennsylvania saw in such a mode of raising revenue the declaration of a principle which would deprive the people of their most essential rights as British subjects, and the assembly instructed their agent in London to remonstrate. Dr. Franklin, as speaker, signed these instructions, not foreseeing

that he would be the agent to be guided by them. But at the next election Franklin sustained his first popular defeat, being left out of the house by a majority of about twenty-five votes in four thousand. The proprietary interest, and probably the enmity he had incurred by his bold words on the Paxton massacre, occasioned this result. But the average complexion of the legislature was little changed; and the mortification of Franklin was relieved by his appointment by the assembly, by a large majority, as their agent, to proceed to England and take charge of the petition in relation to the change of government, and the remonstrance against the Stamp Act. The former was lost in the importance of the latter.

In spite of remonstrance, without indeed formal hearing of it, the British House of Commons, on the 27th of February, 1765, passed the Stamp Act. It was read on the 13th, when first introduced, without a word of debate. West India merchants in London petitioned against it, and were told that it was a rule of the house to receive no petitions against a money-bill. The same fate awaited the petitions of the colonies which the British ministry had invited, by delaying the act for a year to admit of the colonies "being consulted." Being insulted proved the real fate of the colonies in the matter. There were conferences with the Board of Trade, and

some informal conversation between the friends of America and members of the ministry. There were some noble efforts made in the Commons to arrest the measure. But in the House of Lords, on the 8th of March, the bill which divided an empire passed without a dissentient vote, and without having called out the proposition of an amendment—without even the formality of a division. Subsequent events were a surprise to every body out of America. Resistance was not dreamed of in Europe. The English people were apparently more unanimous than the Parliament, for the nation looked for an abatement of its internal taxes in the taxation of America. And thus was passed a law which it was thought would compel its own collection, by giving the royal exchequer a percentage on every mercantile transaction, and a share of every lawyer and litigant's costs; a tax on every printer's profit; a percentage upon marriage certificates, apothecaries' prescriptions, birth registers, and burial fees. Even the agents of the colonies dreamed of no resistance, and were induced to make nominations of fit persons in America as stamp officers, on the principle, as was coarsely but wittily said, that when a man is hanged, it is better to keep the executioner's fee in the family.

The inhabitants of the colonies universally refused to permit the Stamp Act to go into

operation. The day fixed in the act for the duty to go into effect was the 1st of November. But the legislatures of the provinces, Virginia taking the lead in a series of resolutions offered by Patrick Henry, pronounced against the act. The Pennsylvania assembly, accustomed to define its position, was temperate but firm. A congress of delegates from the several assemblies was called, on the suggestion of Massachusetts, to meet in New York in October. The speech of Colonel Barre, a member of the British Commons, who had served in America with Wolfe, furnished a key-note for the Americans in their resistance. He opposed the measure in spirited and eloquent language, which found its way into the American newspapers, and has since been stereotyped in the popular selections of speeches for declamation. No village declaiming club for the half century following Colonel Barre's first utterance, failed to have in its programme the stirring speech of the friend of America. He spoke of the colonists as "Sons of Liberty." The Young America of that day caught at the appellation; and while older and more cautious patriots reasoned and remonstrated, the "Sons of Liberty" burned and hanged stamp-officers in effigy, and destroyed the property of obnoxious individuals. No man who had accepted the office in America ever performed its functions. Mr. Hughes, the stamp-officer for Phila-

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delphia, Franklin's appointee, was dangerously ill when the stamps arrived. Muffled bells tolled, flags floated at half-mast, and an immense concourse of citizens assembled at the state-house. In deference to the condition of Mr. Hughes, a committee of gentlemen waited upon him in his sick room. He gave them assurance that he would not attempt to exercise his office until the Stamp Act should be generally submitted to in the other colonies. They required a written promise. He repeated his verbal assurance. With this, the declaration of a man who seemed upon the brink of the grave, the people contented themselves. But when Mr. Hughes became convalescent, he was compelled to enter into a public engagement that he would not assume his office until required to do so by the people. The stamps were placed on board of a vessel of war then lying in the harbour. Some of these revolutionary memorials are still in existence, or were until recently, among the unconsidered lumber of the British public offices.

The delegates of the colonies who met in New York on the second Tuesday in October, adopted a declaration of their rights and grievances, a petition to the king, and a memorial to Parliament. Non-importation was agreed upon, formally and informally, throughout the colonies. Homespun suits became the fashion; and the graduating class of Harvard College, Massa-

chusetts, took their degrees in domestic suits. Where homespun suits could not readily be had, the old ones were worn on and on; and fashion made threadbare garments the evidence alike of position and of patriotism.

These formidable demonstrations were not without their weight, though the people of England, as we have already said, and the majority of her statesmen, contended for the supremacy of Parliament. The Grenville ministry went out, not from any condemnation of their colonial policy, but from causes upon which we have no need to dilate. The Stamp Act had been entirely nugatory in the United States. The courts and public offices were closed, or else opened without regard to the provisions of the act. In Philadelphia a semi-sheet of the Gazette was issued on the 1st of November, without title, and the words "No Stamped Paper to be had," supplied the place of the head of the paper. On the 14th, a sheet was issued, headed "Remarkable Occurrences." On the 21st the regular publication was resumed. It became evident that nothing but force could compel the observance of the act which it had been supposed would enforce itself; and it was a troublesome problem to determine how that force could be applied. The new ministry did not feel disposed to inherit the difficulties of their predecessors, or to attempt to carry out a measure which, while in the oppo-

sition, they had denounced. A project for the repeal was brought forward by the new ministry, and carried; in the Commons by a vote of two hundred and seventy-five against one hundred and sixty-seven; in the Lords by a vote of one hundred and five against seventy-one. The dissenting lords recorded their protests. The trading portion of the nation who had begun to feel the loss of their business, rejoiced at the close of the struggle, in the hope of new orders. Franklin, who had been heard before a committee of the whole house upon the subject, and whose clear statements and pointed replies had done no little to produce the result, sent to his wife Deborah, with the tidings of the repeal, a new dress of Pompadour satin.

The act of repeal was received in America with rejoicings. Philadelphia was illuminated. Barrels of beer were placed on tap. The principal inhabitants gave an entertainment, at which the civil and military officers, royal and provincial, were guests, and it was determined to celebrate the coming royal birth-day in new suits of British manufacture. And so it was done. Other colonies erected statues of the king and of Pitt. The leaden George III. placed by New York in the Bowling Green in that city, was a few years subsequently cast into bullets.

But the exultation at the passage of the repeal was not intemperate or excessive. It was

coupled with a declaration of the right of Parliament to tax the colonies in all cases whatsoever, and followed by a resolution requiring the colonies to make indemnity to those who had suffered losses in the Stamp Act riots. Pennsylvania had no restitution to make, having had no destruction of property. New York complied, and so did Massachusetts; but the same act in the latter state granted a free pardon to the rioters.

The persistence of the ministry in affirming the right to tax was evinced to be no mere form. Acts were passed in 1767, levying duties on articles imported into America, establishing a board of revenue commissioners for that country, providing for the standing army in the colonies, and fixing permanent salaries for the governors and judges, and paying them from the royal exchequer; thus making the executive and judiciary independent of the colonial legislatures, and holding a force in reserve to compel obedience. The colonies would be thus effectually deprived of even the semblance of freedom. In the enforcement of the revenue laws jurisdiction was given to Admiralty courts, without the right of jury trial; and for offences against public property it was enacted that the offenders should be transported to England for trial. Pennsylvania instantly took the alarm. Her agents in London were directed to unite with the agents of the other colonies in any decent application

to Parliament. Massachusetts addressed a circular letter to the other colonies, pointing out the evil effects of the late parliamentary measures. This circular was entered on the journals of the Pennsylvania assembly. Another from Virginia of similar tenor recommended a union of the colonies. To this by resolution the house assented, and appointed a committee to memorialize the king and Parliament. These petitions were written in a clear and forcible, yet respectful tone. Governor Penn laid before the house at the same session a letter from the secretary of the colonies, in which it was said that no doubt existed of the loyalty of Pennsylvania, and that her assembly would treat the Massachusetts circular "with the contempt it deserved;" but in case a disposition were shown by the assembly to countenance the Massachusetts sedition, the governor of Pennsylvania was commanded to prorogue or dissolve it. The house answered this ministerial mandate with a resolution that they had the right to sit on their own adjournments, and that the governor had no power to prorogue them; and that they had further an undoubted right to correspond with the representatives of the freemen of any of his majesty's colonies on the subject of the public grievances.

Among the many able political writings which marked this period were "*Letters from a Farmer*

in Pennsylvania to the Inhabitants of the British Colonies." They were written by John Dickenson, and republished in every colony. Dr. Franklin republished them in London with a preface. The people everywhere came again into non-importation agreements. Even the English manufacturers and traders were brought to memorialize Parliament to repeal the acts which caused the suspension of all colonial trade. Again the ministry ungraciously receded, repealing the obnoxious duties on every thing but tea, and keeping it upon that solely to defend the principle. The colonists modified their non-importation agreements to have effect upon tea alone, and the drinkers of the beverage solaced themselves with a smuggled article. Duty was paid in Pennsylvania on one chest of tea only.

The first blood had been shed in the dispute between the colonies and the mother country. In January, 1770, a collision occurred between the British troops and some of the citizens of Boston, which caused the death of three persons and the dangerous wounding of five others. For a year and a half troops had been quartered in the city, and treated by the inhabitants as foreign enemies rather than as fellow-subjects. There was great difficulty in finding quarters for them; nobody being willing to assume the unpopular office of providing for those who were deemed the public enemies. The governor's council re-

of colonies 14

ferred General Gage to the selectmen. But as the Act of Parliament named only justices, the selectmen referred General Gage to them. The justices declined, and the general was compelled to hire houses, and furnish firing and bedding from the military chest. Mobs constantly assaulted the soldiers, and at last an affray occurred with the result above mentioned. The troops were removed to the castle; the soldiers who fired were tried, and had as their counsel John Adams and Josiah Quincy. All were acquitted except two, who were found guilty of manslaughter, and subjected to a slight punishment. This was a most honourable act in a Boston jury.

We must now turn aside for a moment to notice Indian difficulties and border disputes. In doing this we must review events to make the narrative intelligible. There seems no doubt that the lavish original grant of Connecticut covered a part of the land afterward granted to William Penn, namely, a degree of latitude, and four or five of longitude. It was held by the proprietaries that the adjustment of the boundaries of Connecticut with New York cut off the claims of Connecticut to the West. But the Susquehanna company, formed by certain men in Connecticut, insisted that Connecticut held, under her charter "from the Atlantic to the Pacific," a claim to the lands west of the corner of

New York which separates Pennsylvania and Connecticut. The Susquehanna company purchased of certain Indian chiefs at Albany, in 1754, the Indian title to a tract including the sadly celebrated Wyoming Valley; and the proprietaries of Pennsylvania made a like ill-starred purchase, as we have already recounted. The Indians uniformly denied the fact of the Connecticut sale as they did the justice of that to the Pennsylvanians. In 1763 the Pennsylvanians having receded from their purchase, the Connecticut men still claimed theirs, and had cleared a large space in the valley of Wyoming. The chieftain Teedyuscung resided there, and protested against this invasion of the ground which had been restored to the Indians by the treaty of 1758. But the whites persisted. Some warriors of the Six Nations murdered Teedyuscung, setting fire to the old man's house while he slept, and he perished in the flames. The murderers had furthermore the wicked address to induce the Delawares to believe that the whites had killed their chief. In revenge, the Indians in October, 1763, fell upon the Wyoming settlement, and butchered thirty of the whites in cold blood. The survivors attempted to reach the denser settlements. Some succeeded, many perished. Their houses were burned, and the whole tract desolated. A party of Moravian Indians, dreading lest in the vengeance of the

whites they should be included, removed to Gnadenhutten, and were thence taken to Philadelphia after the Paxton massacre, as previously stated; but with difficulty saved, even there.

In 1768, finding that the Connecticut settlers would not respect the reservation made to the Indians, the proprietaries purchased the Indian title, and prepared to defend it. They laid out the territory in manors, and by offering favourable terms, induced settlers to occupy the ground. The Susquehanna company also took steps to occupy the tract; and the two interests came into troublesome and even hostile collision. And thus the quarrel continued; the Connecticut settlers obtaining possession until 1802, when the dispute was terminated by the decision of Congress in favour of Pennsylvania, and by subsequent laws of the state the matter was adjusted. The Wyoming Valley furnished its quota for the Connecticut line during the Revolution; and was the scene of another fearful tragedy, of which notice will be taken in its place.

Richard Penn was governor of Pennsylvania for two years previous to September, 1773, by the absence of John Penn in Europe. His administration was popular and conciliatory. In 1774 occurred an unfortunate collision with Virginia, as to the western boundary, Virginia claiming all west of the Alleghanies. This dispute was adjusted in 1780, and the present

western boundary of Pennsylvania was fixed. But during the disputes, as seems to have been usually the case when the whites contended for territory, Indian murders and revengeful retaliations were frequent. In the course of these frays the family of the famous chief Logan were murdered. This chief, who had hitherto been the friend of the white man, took up the hatchet with his countrymen. Lord Dunmore of Virginia, who conducted the war, compelled the Indians to capitulate. Logan would not attend the convention, but sent in his speech. "There runs not a drop of my blood in the veins of any living creature. This called on me for revenge; I have sought it; I have killed many; I have glutted my vengeance! For my people, I rejoice at the beams of peace; but do not harbour a thought that mine is the joy of fear. Logan never felt fear. He will not turn on his heel to save his life! Who is there to mourn for Logan? Not one!"

Shattered in reason—become intemperate in his habits—the wreck of a noble chieftain—Logan wandered away into the wilderness. He was murdered by some of his savage race, but where or how are matters of uncertainty. Who shall say that the love of kindred glows not in the dusky breast! that the savage of the wilderness is insensible to sorrow!

## CHAPTER XVI.

The tea difficulties—Indignation of the colonists—Destruction of the obnoxious article—Meeting in Philadelphia—Retaliatory acts of the British Parliament—Quebec Act—Meetings in Philadelphia—Provincial conference—Instructions to state assembly—Continental Congress—Massachusetts supported—Declaration of rights—Articles of association—Petitions and memorials—Committee of correspondence—Action of state assemblies—Governor Penn's remonstrance—Proceedings of the British ministry—More oppressive acts—Lord North's plan of conciliation—Provincial convention—Testimony of Friends—Thomas Mifflin—Lord North's proposal rejected—Affair of Lexington—Excitement in consequence—Military association—Quaker Blues—Continental Congress—Franklin appointed postmaster-general—Pennsylvania assembly—Committee of safety—Governor Penn—Bunker Hill—Pennsylvania committee of safety—State of parties—Instructions to delegates in Congress—Military duty made compulsory—Evacuation of Boston—Popular excitement in favour of change—Congress resolve away allegiance to Great Britain—First war-alarm near Philadelphia—The assembly meet—The people protest—Resolution of Congress in favour of independence—The assembly rescind their instructions—Provincial conference—Declaration of Independence—Pennsylvania convention—End of the charter government.

THE affirmation of the right of Parliament to tax the colonies, while it remained a mere declaration, and was restricted to the single article of tea, kept suspicion alive indeed, but offered no opportunity for collision. English merchants forebore to ship, and Americans re

fused to order the obnoxious article. Meanwhile smugglers could supply from the continent of Europe sufficient for all the wants of the colonies, and at a rate cheaper than it could reach America in the regular trade. Thus the duty remained a dead letter.

The East India Company applied to the British government for the repeal of the colonial duty on tea, that their diminished revenue might be restored. The company proposed that the duty of sixpence levied in England upon its exportation should be retained, and the duty in the colonies abolished altogether. The company were restricted from importing tea on their own account. But Lord North, then in the ministry, proposed and carried a measure which he supposed would both relieve the company and purchase the submission of the colonies. The restraint on the company in the matter of being their own factors was taken off. The whole English duty on tea exported to the colonies was abolished. The colonial duty was retained. Tea, under these regulations, had they gone into successful operation, could have been purchased in the colonies cheaper than in England, and at a less rate than it had ever been before. The number of factors through whose hands it must pass would have been diminished, English merchants being superseded by a powerful company; and tea, through the custom-house, would reach

the American consumer at a less price than even the smuggled commodity. Thus was an effort made to buy the surrender of principle by penny bribes. It was indignantly and boldly met. In Boston, the tea which arrived under these arrangements was thrown into the dock by a party of citizens in disguise. In Charleston, South Carolina, it was landed, and spoiled by storage in damp cellars. The New York and Philadelphia tea ships returned with their cargoes. Two cargoes were landed in Portsmouth, New Haven, but reshipped. At Annapolis, Maryland, the vessel in which the tea arrived was burned with her cargo—the owner himself applying the torch, under the pressure of fear of popular violence.

The arrival of the tea ships was not unexpected. The passage of the measures relative to the importation prepared the Americans for resistance. Philadelphia took the initiative, and at a town meeting in October, 1773, passed spirited resolutions. In terse but emphatic terms these resolutions pointed out that the effect of the ministerial policy, if pursued, would be to render American legislation useless, and introduce arbitrary government, and slavery. Whoever should countenance the importation was denounced as an enemy to his country. The consignees of the tea were required to resign. Some did so at once, and all eventually complied.

The Philadelphia resolutions were adopted in Boston, with a supplement. Committees of correspondence were appointed in the several colonies, and one sentiment appeared to animate the whole people; that is to say, a controlling majority of the whole. These "rebellious" proceedings were met in Great Britain by several acts of Parliament; one closed the port of Boston, another subverted the Massachusetts constitution; another authorized the transportation of alleged criminals to England for trial; another provided the quartering of soldiers upon the inhabitants. In another measure, the ministry showed some marks of wisdom, which we marvel to find in such a batch of impolitic and rash proceedings. By the famous Quebec Act, the religious freedom and national customs of the Canadians, and the property of their church, were affirmed and restored. Thus were the Canadas saved to the crown; and although the British government took care to give to the people no legislative power, the simple *habitans* cared nothing about that. It was a something they had never possessed and could not value. Neither addresses nor invasion from the other colonies succeeded in breaking their allegiance.

Virginia proclaimed a fast to be kept on the first day of June, 1774, the day on which the port bill took effect. Throughout the continent the day was observed. In Philadelphia the

measure was adopted in town meeting, the Quakers only dissenting, and that upon the grounds of their discipline, while they declared their sympathy. The patriots of Philadelphia called several meetings in relation to the measures taken by the British ministry against Massachusetts. At the first of these meetings a public letter or appeal from Boston was considered. It was replied to in the style characteristic of Pennsylvania policy—yielding as to circumstances, unyielding as to principle. Payment for the tea was recommended, if thereby the unhappy controversy could be determined, “but the indefeasible right of granting their own money, and not the value of the tea, was the matter in consideration.” A Congress of deputies from the several colonies was declared necessary to devise means for restoring harmony between Great Britain and the colonies; firmness, prudence, and moderation were recommended to the Bostonians, and they were assured of the adherence of the people of Pennsylvania to the cause of American liberty.

At a subsequent meeting, at which it was estimated eight thousand people were present, the Boston port bill was declared unconstitutional. The expediency of a Continental Congress was affirmed, and a committee of forty-three were appointed for the necessary correspondence, and to set on foot a subscription for the relief of the

Boston sufferers. This committee immediately addressed a circular to all the counties, requesting the appointment of deputies to a conference at Philadelphia; and in pursuance of the call, a highly respectable body of freemen met on the 15th of July, 1774, representing the influence and weight of the province. Thomas Willing was chairman of this convention, and Charles Thompson, secretary. At this convention a series of resolutions were adopted which covered the whole ground. After enumerating the reasonable causes of complaint against Great Britain, and declaring a Colonial Congress necessary, the convention resolved, that although its members desired that the gentler mode of stating their grievances should be tried by the projected Continental Congress, yet, if non-importation and non-exportation were deemed expedient, Pennsylvania would join with the other colonies in such an association as should be agreed upon. It was also resolved that it was the duty of every member of the convention to promote, to the utmost of his power, the subscription set on foot in the several counties of the province for the relief of the distressed inhabitants of Boston. The convention assumed also, as the special and immediate representatives of the people, the right to instruct the assembly which was now about to convene, and to request that body to appoint delegates to the Colonial Congress. These reso-

lutions desired the assembly to instruct their delegates to exert themselves, in the ensuing Congress, to obtain a repeal of all the oppressive acts which had occasioned the difficulty; and that in return for these concessions, the colonies should consent to settle a certain annual revenue on the crown, and to satisfy all damages done to the East India Company. In case all could not be obtained, the repeal of the most onerous was declared indispensable. The assembly were desired also to instruct their deputies to unite with those of the other colonies, even though the plans they should present, as the deputies of Pennsylvania, should not be carried.

These proceedings were laid before the assembly, while they had under consideration the proceedings of the other colonies upon the same subject. The assembly unanimously appointed as their delegates to Congress, Joseph Galloway, Samuel Rhoads, Thomas Mifflin, Charles Humphries, George Ross, Edward Biddle, and John Dickenson. The Congress assembled in Philadelphia, in Carpenter's Hall, on the 4th of September, and organized by electing Peyton Randolph of Virginia, president, and Charles Thompson, of Philadelphia, secretary. The Congress consisted of fifty-three members, Georgia alone being unrepresented. There were fifty-three delegates present. Each province had a single vote in the proceedings, and e . . . weeks

were spent in deliberation. The meetings were held with closed doors; and though the measures adopted went abroad with the apparent seal and with all the force of unanimity, the resolutions and decisions were the subject of earnest debate, and in some cases met considerable opposition. But patriotism prompted concessions; and for the good of the whole, and the sake of union, the patriotic men who formed this assembly surrendered private opinions and sectional prejudices. The meetings were opened with prayer, a rigid Congregationalist of Massachusetts, Samuel Adams, moving the appointment of Rev. Jacob Duchè, an Episcopal clergyman of Philadelphia.

It was resolved that the whole continent ought to support Massachusetts in her resistance to the oppressive measures of Great Britain. A Declaration of Rights was adopted, in which the privileges of British subjects were declared to be the birthright of the colonists. The oppressive acts passed by Parliament since the accession of George III. were denounced as a derogation of the rights of the freemen of America. By "Articles of Association" the colonists were pledged to commercial non-intercourse with Great Britain, and such of her colonial dependencies as should not enter into the same agreement. Committees were directed to be appointed in every colony <sup>to</sup> detect and publish the names of the

violators of the agreement. A petition to the king, and memorials to the inhabitants of British America, to the inhabitants of Canada, and to the people of Great Britain, were also adopted. John Dickenson, of Pennsylvania, prepared the petition to the king and the address to the inhabitants of Canada. His mild and persuasive tone was in strong contrast to the fire of some of the others; for he was one who adhered to the hope to the last that the difficulties with the mother country could be reconciled.

The first "committee of correspondence," to see that the non-importation agreement was carried into effect, was appointed in Philadelphia, soon after the dissolution of Congress. In all the colonies the recommendations of the Congress were endorsed by the provincial assemblies, New York and Georgia excepted, the Tory influence proving able to postpone the measure in those colonies. In the Pennsylvania assembly the approval was by a decisive majority, and delegates were appointed to the next Congress, which was to assemble in May, 1775. Governor Penn remonstrated against the system of union which had been entered into, and recommended addresses by the several assemblies as the proper and constitutional mode of appealing to the crown. But the assembly of Pennsylvania declined to take any course except that which had been adopted by the united colonies.

The proceedings of the Americans caused much commotion in England, but the ministry were committed to the policy of force. Lord North brought forward a plan which was termed a scheme of conciliation, the effect of which was to leave the colonies the collection of the revenue, while Parliament dictated the amount; thus clinging to the disputed right of Parliament to tax America, and still, as Lord North declared, yielding nothing of the matter in dispute. He acknowledged that he did not expect the colonies would accept it, but hoped to divide them by the proposition. The papers from Congress were received, but when the agents of the colonies desired to be heard by counsel, their request was refused, on the ground that Congress was an illegal assemblage. Parliament declared in an address to the throne, in answer to the royal speech, that rebellion already existed in Massachusetts, aided by unlawful corporations in other colonies. Acts were passed forbidding all the colonies, except New York, North Carolina and Georgia, to trade to any ports except those of Great Britain, Ireland, and the West Indies, and interdicting the prosecution of the fisheries. Against these measures Chatham, Burke and others eloquently but warmly protested.

As much effort had been required in the assembly to procure favourable action upon the proceedings of the Congress, the committee ap-

pointed for Philadelphia called a provincial convention, ostensibly to encourage domestic industry—really to keep the assembly up to their work. Joseph Reed, afterward prominent in the councils of Washington, was president of this convention. The measures recommended by it were in accordance with the patriotic spirit of the times, and a perpetual existence was given to the body by conferring upon the Philadelphia committee the power to call a provincial convention whenever they deemed it necessary. This committee afterward assumed the power of giving direction to public movements, and supplying the guidance without which all popular impulses are ineffectual. The public sentiment was also expressed by them; they became the exponents of popular opinion; influenced the proceedings of the assembly, and counteracted the movements of the Friends, who, true to their principles, bore testimony “against every measure and writing tending to break off the happy connection of the colonies with the mother country.” But while the official epistles of the Friends bore this testimony, many individuals shared the zeal of the patriots, and determined at every hazard to defend the rights and liberties of America. Prominent in the convention was Thomas Mifflin, a young Quaker, afterward General Mifflin of revolutionary celebrity.

Governor Penn transmitted the pacific pro-

posal of Lord North to the assembly, with an earnest recommendation that Pennsylvania should take the lead in "restoring public tranquillity and rescuing both countries from the horrors of a civil war." The assembly answered by exceptions to Lord North's plan, and by declaring that "were it unexceptionable they should deem it dishonourable to adopt it without the advice and consent of their sister colonies." So ended the hope of pacification in that mode. Lord North had meanwhile been attempting an indirect negotiation with Franklin in England; but that shrewd statesman listened, demurred, and hopeless of any accommodation, embarked for his own country.

The spring of 1775 found matters drawing to a crisis. The people of New England were drilling, arming and officering their militia, collecting warlike stores, and establishing military depots. To destroy one of these magazines, General Gage despatched a detachment of British troops, eight hundred in number, from Boston to Concord. They marched at midnight, and at sunrise found in Lexington a hundred "minute men" assembled. A collision took place, the British troops fired on the provincials, and this first revolutionary volley left eight men dead and wounded several more. The survivors dispersed, and the British pushed on to Concord, where they commenced the work on which they

had been sent. But the gathering of the provincial militia warned them of their danger, and as the Americans approached, now in a formidable body, the regulars fired. The fire was returned and several of the soldiers killed. A hasty retreat was commenced, the militia followed up their advantage, suffering under an irregular but destructive fire from walls, trees, and houses, and the detachment was very much spent and jaded when it reached Lexington. There a reinforcement of nine hundred men, sent forward by General Gage from Boston, received and protected them; and after a short halt the retreat was resumed. At the close of the day the regulars reached the vicinity of Boston with a loss in killed and wounded of nearly three hundred men. The provincial loss was about ninety.

Boston was instantly besieged, and Massachusetts and the New England states generally promptly organized levies of men. Philadelphia caught the spirit of resistance, even to the sword. The battle of Lexington took place on the 19th of April. On the 24th an immense meeting of citizens was convened at Philadelphia, at the call of the committee of correspondence. A military association was formed, and its branches extended through every county of the province. The members furnished themselves with arms, and were drilled by their officers in the use of

them. Some of the young Friends in Philadelphia organized a company, which was called "The Quaker Blues" in a spirit of competition with "The Greens," which corps also numbered in its ranks many whose education and associations had promised other views for them.

On the 10th of May, 1775, the Continental Congress assembled in Philadelphia. Besides the Lexington affair the seizure of Ticonderoga and Crown Point had compromised the American colonies as rebels, and Congress was now emboldened and empowered by public sentiment to assume the direction of hostile movements. Elected to provide for public exigencies, they found a war ready declared to their hands. The heat and precipitancy of the British forces, and the determined resistance of the New Englanders had brought the crisis. Congress resolved that hostilities had been commenced by Great Britain; and while they disclaimed any intention of throwing off their allegiance, and expressing an anxious desire for peace, they voted that the colonies ought to be put in a posture of defence against the attempt to coerce them by arms to submit to taxation. Mr. Dickinson, who was a member of this Congress, earnestly advocated, and carried another petition to the king, notwithstanding the fate of former memorials of the kind. The submissive tone and language of this paper was almost offensive to some of the mem-

bers, particularly those from New England; but the high estimation in which Mr. Dickinson was held procured its passage. After Congress had adopted the paper, Mr. Dickinson rose and said, "There is but one word in that paper which I disapprove, Mr. President, and that word is *Congress*:" so anxious was he still to conciliate and avoid the appearance of concerted rebellion. Mr. Harrison, of Virginia, immediately retorted, "There is but one word in the paper, Mr. President, which I approve, and that word is *Congress*." Dr. Franklin, who had just returned from Europe, was now a member. He had been dismissed from his office of postmaster-general of the colonies by the British ministry; and the royal mail having now nearly become useless, Congress assumed an act of sovereignty, little commented upon, but really significant, by the establishment of a post-office system, with Franklin for postmaster-general.

The Pennsylvania assembly which was in session at the same time, recognised the acts of Congress and the acts of the people. The military association formed by the latter was approved, and the assembly engaged to pay such of the members as should be called into actual service. They also took the important steps of appointing a Committee of Public Safety, with power to call the associated troops into service, to pay and support them, and to provide gene-

rally for the military expenses and exigencies of the province. Bills of credit for thirty-five thousand pounds were issued for these purposes; and other appropriations were made with a like object, all being placed in the control of the committee. The committee became in effect the executive power of the province, and Governor Penn's office existed only in name. He prudently yielded to the force of public opinion, and was suffered to remain in quiet; although when the royal army approached the city, in 1777, he was removed from it by the Whigs. Other loyalists did not fare so well. Several of the more obnoxious were carted about the streets to the tune of the Rogue's March, and others were put under duress. But beyond taunt and mortification they suffered no injury.

While Congress was maturing its plans for a military organization, hostilities proceeded in Massachusetts. On the 14th of June, George Washington was unanimously chosen "general and commander-in-chief of the armies of the United Colonies, and of all the forces now raised or to be raised by them." On the 17th was fought the battle of Bunker Hill, in which, in dislodging the provincial troops from an eminence overlooking Boston, one thousand British troops were killed or wounded. Four hundred and fifty of the provincials were killed, wounded, or made prisoners, and the village of Charlestown was

reduced to ashes. The breach was now irreparable. The petition by Congress to the throne was contemptuously left unanswered, and nothing remained but to carry out the declaration of Congress. "We are reduced to the alternative of choosing an unconditional submission to the tyranny of irritated ministers, or resistance by force. The latter is our choice. We have counted the cost of this contest, and find nothing so dreadful as voluntary slavery."

The Pennsylvania Committee of Safety applied to the assembly for aid in enforcing the rules of the military association which they had drawn up. This request was not acted upon at the spring session; but at their meeting in October, the assembly, by resolution, converted the voluntary association into a compulsory militia. The Quakers and the Menonists remonstrated, but the resolutions passed notwithstanding. The proceedings of the Assembly of Pennsylvania appear difficult of comprehension without a review of the provincial politics of that period; and we avail ourselves of the clear narrative in the Life of President Reed, by his grandson, to place the condition of affairs briefly before the reader. There were two well-defined parties—the friends of government and the revolutionary. In the former were royalists, those in the proprietary interest, and the greater part of the Society of Friends. Acting generally with the

revolutionary party, but not prepared to go to extreme lengths, was a class of men earnestly devoted to the colonies, but still anxious to procure a reconciliation. These men generally were in favour of continuing the charter institutions of the province, and of continuing the assembly even in the crisis of a revolution, if revolution became inevitable. Mr. Dickinson, who was earnest and active in conciliatory measures, procured the passage of instructions to the delegates in Congress, (November, 1775,) to which, after directions to the delegates to use their utmost endeavours to obtain redress of American grievances, was added this sentence—very offensive to the revolutionary party: “Though the oppressive measures of the British Parliament have compelled us to resist their violence by force of arms, yet we strictly enjoin you, that you, in behalf of this colony, dissent from and utterly reject any proposition, should such be made, that may cause or lead to a separation from our mother country, or a change of the form of this government.”

Such instructions ill accorded with popular sentiment after Lexington and Bunker Hill. And the body who passed them were above the influence of some of the most zealous of the “Sons of Liberty.” A fifty-pound qualification was necessary to entitle citizens to vote, while conferences and provincial conventions imposed

no such restrictions. War and revolution set aside conservation; and the people, swayed by popular impulses, were disposed to apply the soldier's solution to all gordian knots. The assembly who passed the instructions to which we have just referred, were nevertheless compelled to yield to the outside pressure. Hence the passage of the compulsory law in relation to military service, so contrary to Pennsylvania precedents. On this the Committee of Safety insisted. The people demanded also an increase of the number of representatives. This measure was accorded to them. But parties were so nearly balanced in the house, that the casting vote of the speaker was necessary to authorize the raising of fifteen hundred men for the defence of the province. The friends of popular measures counted on better things when the new representatives came in.

The operations of the war during the winter of 1775-6, were confined to the ultimately unsuccessful invasion of Canada and the siege of Boston. Spring brought high hopes to the patriots on the news of the evacuation of Boston by the British troops, which was considered as little less than a glorious victory. The assembly erected a court for the trial of prizes, Congress having declared all ships of war harassing the colonies, and all vessels bringing stores to the British, lawful prizes; and requested the colonies

to erect prize courts. Large emissions of currency were made, and new fines were imposed on such as refused to do militia duty. These measures look like concessions to preserve the assembly; but they were ineffectual. On the 1st of May an election was held for a new assembly. The whole Whig ticket for the city, with one exception, was defeated; and the people, exasperated at the weight of royal, proprietary, and pacific influence, under the existing state of things, became clamorous for a change. The anomaly of invading Canada, which had no share in these grievances, and of resisting those grievances in the colonies, while they still continued to administer government in his majesty's name, began to be discussed. Several colonies, under advice of Congress, had relieved themselves from the dilemma. In such provinces as required a summons from the governor to elect representatives, a change had become absolutely necessary. The Pennsylvania legislature was more independent. Elections were held on a stated day, the members convened at a time fixed by law, and sat on their own adjournment. The governor had no power to prorogue or dissolve it; and it was the belief of many patriots that it could still have been continued. The people were, however, resolved on a change. They wished a body entirely free from royal predilections. Congress helped to solve the dilemma. That body had

gone a step farther in relation to independence, by declaring all British vessels lawful prizes. Rhode Island and Connecticut dispensed with the oath of allegiance to the king, in qualifying their legislators. North Carolina authorized her delegates in Congress to join with the others in declaring the colonies independent. Virginia instructed her delegates to propose such a declaration in Congress. And Congress almost simultaneously adopted a resolution recommending to the assemblies and conventions of the colonies, in all cases where it had not already been done, to "establish governments adequate to their exigencies." A few days after (May 15th) Congress passed a preamble to the above resolution, in which they declared that "all oaths for the support of government under the crown of Great Britain were irreconcilable with reason and good conscience, and that the exercise of every kind of authority under that crown ought to be totally suppressed; and all the powers of government exerted, under authority from the people of the colonies, for the maintenance of internal peace and the defence of their lives, liberties, and properties against the hostile invasions and cruel depredations of their enemies."

About this time the first revolutionary gun was heard near Philadelphia. A flotilla of Philadelphia gun-boats had a smart engagement with a British sloop-of-war in the Delaware, and

compelled the sloop to haul farther down the river. The sound of guns at their doors waked the people. The proceedings of Congress gave the patriots a new impulse. The resolution and preamble of Congress were considered "a dissolution of the provincial government." It was determined "to call a convention with speed," and protest against the assembly doing any business until the "sense of the province" was taken.

Some members of the assembly met on the 20th of May, but no quorum was present. The people met on the same day, four or five thousand in number, in the State House Yard, and made their protest, which was, on that very day, presented to the house. The protest renounced in emphatic terms the authority of the assembly, as derived "from our mortal enemy, the king of Great Britain," and its members were "elected by persons in the real or supposed allegiance of the crown, to the exclusion of many whom the late resolves of Congress *had rendered electors.*" This was a strong free suffrage point. The protest declared that as the assembly was a body of men by oaths of allegiance to the enemy, and many of its members were under influence by pecuniary connection with the proprietary, it could not be trusted to model a government. On the other hand, counter memorials were presented; and the beleaguered assembly found rest

principally in the fact that they seldom had a quorum for business. They directed a resolution of inquiry as to what Congress did mean, by its preamble and resolutions. The result of the inquiry is of the less consequence, since the people interpreted the matter for themselves.

On the 14th of June, the assembly rescinded the obnoxious instructions—but in such terms that the members seem only to have communicated their perplexities to their delegates. Meanwhile the delegates had already once acted under their former instructions. On the 7th of June, Richard Henry Lee moved, in obedience to the Virginia instructions “that the United Colonies are, and ought to be, free and independent states, and that their connection with Great Britain is and ought to be dissolved.” It was carried on the 8th, seven states to six—the delegates from Pennsylvania, New Jersey, and Maryland voting against it under instructions; and those from New York, Delaware, and South Carolina not choosing, in the absence of positive instructions, to take so decided a step. The matter was then postponed to the 1st of July, to give time for such correspondence with the various assemblies as would secure union. Under the outside pressure, the Assembly of Pennsylvania succumbed as above stated, and rescinded their prohibition of their delegates from voting for any measure which should lead to a change of go-

vernment. But in the new instructions no positive directions on the main question were given. Independence was not referred to. The Pennsylvania delegates were authorized to "concur in forming such further contracts between the united colonies, concluding such treaties with foreign kingdoms and states, and adopting such other measures, as, upon a view of all circumstances, shall be judged necessary for promoting the liberty, safety, and interests of America; reserving to this colony the sole and exclusive right of regulating its internal government and police." This done, the assembly adjourned to the 26th of August.

On the 18th of June, a provincial conference assembled at Philadelphia under a summons from the revolutionary committees of Philadelphia county. This body, of which Colonel Thomas McKean was elected president, resolved that the then government of Pennsylvania was incompetent to manage its affairs, and issued an address, calling a convention to assemble on the 15th of July next ensuing, to form a new government. No male of one-and-twenty, who had paid taxes, was excluded from voting for members of this convention, except such as had been published by the committees as enemies, and such as refused to make affirmation of non-allegiance to the king, and of friendship to the establishment of the new government. Members of the

convention were required to make a declaration of religious faith, based on the Holy Scriptures, and to bind themselves by oath or affirmation to renounce allegiance to Great Britain, and promote the establishment of a government in the province on the authority of the people only.

On the 28th of June, a British fleet made a demonstration against Charleston, South Carolina. The port was gallantly defended. Three of the British vessels, in attempting to take a position to rake the fort at Sullivan's Island, grounded on shoals. The others were so hotly received, that they were obliged to retire with severe loss. Of the three aground, one was abandoned and burned; and the squadron, discomfited, set sail for New York to join the main body of the British forces. On the 1st of July, in Congress, the committee appointed to draft a declaration of independence, made their report. The committee consisted of Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert R. Livingston. Nine colonies voted for the declaration in committee of the whole. New York declined to vote, Delaware was divided, South Carolina stood one for and three against, and Pennsylvania, under the non-committal instructions of the assembly, stood three for and four against the declaration. On the FOURTH OF JULY, 1776, when the amended declaration came up for final action, the echo of the guns at

Charleston brought South Carolina into line. Delaware, by the arrival of Cesar Rodney, who came eighty miles to vote, gave in her adhesion. Two of the adverse Pennsylvania delegation were absent, and thus that province ranked with the majority. New York did not vote. In a few days, the Provincial Congress of New York having given the Declaration their sanction, the instrument became the unanimous act of the THIRTEEN UNITED STATES. It was then ordered to be engrossed on parchment for signature.

On the 15th of July the convention of Pennsylvania met to form the new constitution. Among their first acts was to elect delegates to Congress, superseding those already in that body by appointment of the legislature. Four of the old delegation were continued, three were left off, and five added, and the whole delegation, on the 2d of August, signed the Declaration of Independence. The convention was employed until the end of September in maturing the new constitution; and on Saturday, the 28th, they perfected the instrument and adjourned, having given the document in charge to the Committee of Safety, to be delivered to the general assembly at their first meeting under the new order of things. The convention also passed certain ordinances imposing a state tax, and authorizing arrests of suspicious persons.

The charter legislature, adjourned to the 26th

of August; meet on that day, but only to adjourn to the 23d of September. A bare quorum was present, but no business was done save the passage, under the previous question, of a series of resolutions, remonstrating against the assumption of legislative powers by the late convention which had assembled for a single specific purpose. The house then rose. The charter government was no more, and Pennsylvania was fully committed to the new order of things.

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## CHAPTER XVII.

Arrival of General and of Admiral Howe at New York—Failure of a commission to treat with the colonies—Reading of the Declaration—The new State constitution—Retreat of Washington through New Jersey—Philadelphia menaced—The battles of Trenton and Princeton—Withdrawal of the British from Jersey—Landing on the Delaware—Battle of Brandywine—Affair at Paoli—Occupation of Philadelphia by the British—Fortification of the Delaware—Removal of Congress inland—Battle of Germantown—The storming of Fort Mercer—The British occupy Province Island—Forts Mifflin and Mercer evacuated by the Americans.

It is a curious fact, that during the discussion of the subject of the Declaration of Independence, the thirteen United Colonies were free from British troops. General Howe had retired from Boston to Halifax; and the people of the colo-

nies were in doubt where the enemy would next make his appearance. The doubt was soon solved by the arrival of General Howe at New York, and the subsequent arrival of large reinforcements from England, under command of Admiral Lord Howe, the brother of the general, whose unfortunate beginnings in the vicinity of Boston led the colonists to feel that their cause had already the prestige of success. A few days may make a great difference in the fate of nations. Lord Howe undertook to resume certain negotiations which had been commenced with Franklin, in England, for the pacification of the colonies. But the United Provinces had now, by the act of July 4th, become UNITED STATES, and a question of etiquette prevented negotiation. The British commissioners refused to recognise the American authorities, military or civil, in their official capacity; and the business of the mission was thenceforth at an end. The declaration had put the patriots in a new attitude, and they refused to compromise their position by any act or admission which should derogate from their rank, or invalidate the power which had appointed them to office.

The declaration was publicly read in the State House Yard, Philadelphia, on the 8th of July, to an assembly of the people who had convened in pursuance of a call for that purpose. Captain Hopkins, of the navy, was the reader.

The assembly was not large, nor was the declaration received with any evidence of enthusiasm. The people were generally familiar with its contents; and the city of Philadelphia was, as we have already noted, the strong hold of the proprietary and loyal interests in the province. The great importance and the immediate momentous consequences of the measure were felt in the disruption of old social and business relations. Without noisy enthusiasm, however, there was a fixedness of purpose which carried the patriotic inhabitants firmly through severe tests of their loyalty to the new government; and if there was little excess of zeal manifested, there was, in the same moderation of spirit, a promise of justice and tolerance to those who adhered to the old order of things—whether as friends of the proprietaries or of the British government.

The first constitution of the State of Pennsylvania had but a brief existence. Pennsylvania was the first state to abolish the requirement of a property qualification in the representatives chosen. Dr. Franklin was president of the convention which framed it, and is supposed to have been the mover of this democratic feature, and of the provision by which the legislative power was vested in one deliberative body. The members of the assembly were elected by counties. The executive power of the government was vested in a council chosen by the people, and

the president of the council was president of the state; but he had no more authority than the other counsellors. There was also a council of censors, who were empowered to meet once in every seven years, to investigate breaches of the constitution. The new constitution was strenuously opposed from the beginning; and at the very first meeting of the legislature in 1776, it was found that the influence of the opposers of the constitution had been sufficient to apply a "veto," though the instrument gave that authority to no one. There were not enough counsellors elected to organize the government. The difficulty was overcome in the spring of 1777, when the requisite number of councillors having been chosen, Thomas Wharton, Jr., was elected president, and George Brian, vice-president.

The condition of the contest between the United States and Great Britain had now become gloomy indeed for the cause of freedom. Washington had slowly retreated before the British forces through New Jersey, and Philadelphia was menaced by the enemy. Under such circumstances, the party in that city which adhered to the royal cause exhibited such indications of a disposition to take active measures, that vigilance was deemed necessary over them, as well as over the foreign foe. At this dark hour the hopes of the patriots were again raised by the surprise of Trenton, by General Wash-

ington in person, with a force of twenty-four hundred men. On the night of the 25th of December, he crossed over from the Pennsylvania side, and with the loss of only ten or twelve men, in killed and wounded, made prisoners of a thousand Hessian soldiers. The loss of the enemy in killed and wounded was twenty. Six field-pieces and a thousand stand of small arms were taken. On the 3d of January occurred the affair at Princeton, in which the British lost one hundred men in killed and wounded. The Americans lost about one hundred. The great value of these operations to the American cause lay in their moral effect. The contrast between the appearance of the two armies, the forced retreat, and the apparent impossibility that the ill-clad and poorly-appointed American troops could cope with the fine-looking British regulars, was bringing hundreds to accept the British terms of pardon. These successes of the American arms did much to stay the disaffection to the American cause; and the excesses of the British troops, who treated Jersey like a conquered province, did more. The year closed and the winter passed with better hopes for America than the most sanguine had dared to hope while the American forces were retreating before the enemy during the fall of 1776 and the first week of winter.

Philadelphia had not felt yet the actual pre-

sence of the enemy, but had received monitions by the assembling of Congress in Baltimore, Philadelphia being deemed too insecure for calm deliberation. Early in 1777 it became evident that an attack on Pennsylvania was meditated; and the arrangements of General Washington were made with a view to that exigency, while his attention was also divided by other important points. Washington had lain in winter quarters at Morristown; and as spring opened, and the enemy moved, he came out with caution, but did not hazard a general engagement, or suffer himself to be drawn into an exposed situation. The plan of General Howe was, by arms and proclamations, to complete the conquest of New Jersey, and, with that colony subdued and secured behind him, to occupy Philadelphia. The limits of our work do not permit us to describe all the manœuvres and counter-manœuvres. Suffice it to say, that finding it impossible to drive from the field a general who was cautious as well as skilful, the British abandoned New Jersey and returned to New York, their last marches being harassed by the militia, who needed only the assurance of support to rally in force.

In July the British embarked at New York, and on the 27th of August landed at the head of Elk Creek. The British force has been estimated at eighteen thousand. The American was nominally fourteen or fifteen, but, on account

of poor equipment, did not exceed eleven thousand effective men. On the 11th of September the two armies found themselves a few miles apart, in the neighbourhood of the Brandywine, the Americans occupying the north and the British the south bank. An advanced party of the Americans, under General Maxwell, were posted in the wood leading to Chad's Ford, on the south side of the river. An engagement took place, in which, under the disadvantages of lesser numbers and poorer arms, the Americans were defeated. They laboured too under a difficulty peculiarly trying to raw troops. While a portion of the British force made a demonstration to cross Chad's Ford, the rest of the army moved higher up the river, and crossed. Uncertainty as to the purpose of the enemy caused some delay, and a portion of the American troops were attacked while they were taking their position to meet the advancing enemy, and being thus the more easily thrown into confusion were the first to break into retreat. But their retreat was checked and covered by reinforcements, and night-fall prevented a totally disastrous defeat. The column of the British army which attempted Chad's Ford was bravely resisted by General Wayne, until the defeat of the other portion of the American forces was discovered. Then, further resistance being useless, he retired, and the American army retreated to Chester. The

plan of the British was to attack the American front and rear at the same time. General Washington perceived the manœuvre, and made skilful preparations to counteract it; but, unfortunately, the troops whose position was most in advance, failed to reach their post till too late to form in good order. A part of the American troops behaved very well, and others very badly—breaking almost at the first fire. Among the wounded was General Lafayette. The battle was not considered decisive, though the loss was more severe than in many other engagements. The loss of the British was six hundred, that of the Americans nine hundred in killed and wounded, as estimated by Marshall. Most of the wounded were made prisoners. So severe a loss indicates that some of the army must have courageously maintained their ground, since few were killed or taken during the retreat.

After a few days of rest, Washington marched out from Chester, and a renewed engagement was about to take place, at a point some twenty miles from Philadelphia, when a heavy rain separated the combatants. Washington retired across the Schuylkill, leaving General Wayne with his division, to be joined by the Maryland militia under General Smallwood, and annoy the British rear. Wayne was encamped in a wood near Paoli, and information was given to the British general by some of the disaffected.

He was suddenly attacked on the night of the 20th September by a strong detachment, and compelled to retire with the loss of three hundred men. The Americans received their assailants with great intrepidity, but would inevitably have been cut off had it not been for the coolness and intrepidity of General Wayne, who promptly rallied a few regiments, who withstood the shock of the enemy and covered the retreat of the rest. General Smallwood's command, which was within a mile of the ground at the time of the attack, fled in confusion upon meeting a party of the British, who were returning from the pursuit of Wayne's detachment. This affair has acquired the name of the "Massacre at the Paoli," from the ruthless and cruel character of the officer who commanded the British party.

With his troops worn by marches and counter-marches, poorly clad, almost without food, many without shoes, and unsupplied with tents, Washington was unable to dispute the passage of the Schuylkill with the enemy, or to prevent his occupying Philadelphia. On the 26th of September the British entered Philadelphia, having been employed thirty days in accomplishing about sixty miles. The army which disputed the ground with this well-appointed force was inferior in numbers and in discipline, and devoid of almost every thing essential to efficient operation. After the battle of Brandywine, that he

was able to rally his forces, and in five days to offer battle again, is the highest evidence of the skill of the commander and of the devotion of the troops. If they failed in efficiency and even broke in disorder, these were the misfortunes of their want of discipline and of munitions. But under all there was the animus of a sublime patriotism, which could still make such a body of men cohere under circumstances so disheartening.

The royal army was received in Philadelphia by the disaffected with transports of joy. The winter of 1778 was spent in great festivities, and the impression now became strong, with those who wished such an event, that the efforts of America for independence were effectually closed. Spring was looked forward to as the termination of the struggle. Meanwhile the more sedate and thoughtful of the patriots were not disheartened. It is reported of Franklin, then absent on a mission to France, that when he was told the British had taken Philadelphia, he answered that this was not the way to state the case. Philadelphia, he said, had taken the British. The event proved that the occupation of the city by the British commander did the royal cause no benefit.

Congress having by resolution invested General Washington with extraordinary powers, removed to Lancaster immediately after the battle of the Brandywine. They thence removed again

to York. Before the entrance of the British into Philadelphia, all public stores had been removed, and suitable articles for army use, found in private hands, were also taken, and receipts given to the owners. The Delaware River was obstructed with sunken frames of timber, and fortifications were erected on the Jersey shore, and on an island in the river at the junction of the Schuylkill, in order to prevent communication between the British fleet and the city. Above the forts were floating batteries and armed vessels; and it was strongly hoped that by these means the enemy might still be compelled to evacuate the city. Four regiments of the British only were quartered in the city, and the main body of the army was encamped at Germantown. Washington's camp was on the Skippack Creek, fourteen miles from Germantown.

The first care of Lord Cornwallis, after entering Philadelphia, was to erect batteries to defend the river front of the city and operate against the American shipping. These batteries were attacked by two American frigates, and several gallies and gondolas, while yet incomplete. One of them, the Delaware, unfortunately grounded and was captured, the other vessels fell down to Fort Miflin, as the fort on Mud Island was named. The British got possession of a fort on the Jersey side, below the mouth of the Schuyl-

kill, and the only hope of the Americans now lay in Forts Mifflin and Mercer, at the junction of the Schuylkill. While the British were operating against these points, and employing troops in escorting trains of provisions up from Chester, Washington determined to surprise their camp at Germantown.

The battle of Germantown took place on the morning of the 4th of October. Two columns, marching all night, gained the enemy's rear. The surprise was complete, and for a short time they carried every thing before them. An attack was to have been made at the same time on the front by two other detachments. But the morning was foggy, and the advance was irregular, owing to the necessary obstructions which a town presented, and the darkness was such that the American officers could not understand their position. A detachment of the British threw themselves into a large stone house, since well known in Revolutionary annals as Chew's house. It stood directly in front of the advancing Americans, and from its windows were poured disastrous volleys. After some unsuccessful attempts to take the house by storm, and an ineffectual cannonading, the assailing party left the British in possession and passed on. But the commanding position and strength of the building enabled its garrison seriously to annoy and separate the Americans; nor could order be restored, or the

corps thus divided be united. The battle commenced about daylight, and continued until after ten o'clock. The retreat soon after commenced, and was made without loss, the enemy not having recovered sufficiently to pursue or annoy the Americans. The loss of the British in this engagement was about six hundred, that of the Americans over a thousand, including four hundred prisoners. The attack was well planned; but depended upon the concurrence of so many circumstances for a successful issue that the result is not to be wondered at. The effect was good upon the spirits of the army; for a well-contested battle and skilful retreat is better than inactivity. It was so near a defeat to the British in the beginning that it enforced respect for the continental troops. It was so near a disastrous route to the Americans at the close, that it taught them the absolute need of discipline. The news of the capture of Burgoyne and his army was now received. The heart of the American patriots was reassured, and courage and fortitude were strengthened to meet the severe trials of the memorable winter of 1777-8.

The British forces were now drawn nearer to Philadelphia, the importance of concentration having been discovered, in the face of an army whose chief fault, want of perfect discipline, was wearing off every day. The position of the British army was becoming critical. Nearly two

months had now passed since the landing in the Delaware, and the British troops, though in nominal possession of Philadelphia, had no communication with their fleet, and could not move out of the city except in strong bodies. Every foraging party was strongly guarded, and the conveying of supplies from the British ships overland required the defence of large bodies of troops. Under these circumstances Howe determined on a vigorous attack on the Delaware fortifications. On the 23d of October, Count Donop, with twelve hundred picked men, crossed over from Philadelphia, marched down the Jersey side, and stormed Fort Mercer at Red Bank, which post was garrisoned by two Rhode Island regiments under General Greene. At the same time several British vessels of war ascended the river, so far as the obstructions would admit. Colonel Donop fell mortally wounded, and the attack on the fort was repulsed with a loss to the British of four hundred men. Of the British vessels which co-operated in the attack, the Augusta sixty-four was blown up, the frigate Merlin was burned, and the other vessels returned with heavy loss. The flotilla in the Delaware, belonging in part to the State of Pennsylvania, was commanded by Colonel Haslewood, who held his commission under the state. It did excellent service, though disputes, which are so apt to spring up between the land and naval service,

required skilful mediation on the part of the commander-in-chief. Congress, after the repulse of the British at Red Bank, presented to Colonel Greene, who commanded at Fort Mercer, to Lieutenant-Colonel Smith, who commanded Fort Mifflin, and to Commodore Hazlewood, each a sword, in testimony of their high appreciation of their services.

Reinforcements were received by the British from New York, and vigorous measures were taken to remove the obstructions of the Delaware. But Sir William Howe proceeded with more caution, since the affairs at Germantown and Red Bank had shown him that he had to deal with no contemptible enemy. On the 10th of November he took possession of Province Island, on which, within five hundred yards of Fort Mifflin, he erected a battery of twenty-four and thirty-two pounders. With these an incessant battery was kept up for several successive days. The garrison was relieved every forty-eight hours; but so weak was the battalion appointed to relieve them, that half the men were constantly on duty. When the works on the island were at last entirely dismantled, and by an alteration in the channel, the enemy's ships could approach within a hundred yards of the fort, the position had at last to be abandoned. It had been defended with a heroism, and an endurance of suffering and fatigue unexceeded by any troops during the

war. On the night of the 16th the garrison was withdrawn, and a detachment from the British army took possession. Preparations were now made by General Washington to defend Fort Mercer at Red Bank; but before the reinforcements detailed for that service could reach the ground, Lord Cornwallis approached with so formidable a force that the Americans evacuated the fort. The flotilla on the river was destroyed, a few of the vessels escaping, the others being destroyed by their crews; and, after a struggle of about two months from their entrance into Philadelphia, the British forces had at last secure possession by a free communication with their fleet. Every step, from their landing in August to the complete possession of the city on the 17th of November, was obstinately contested; and in no period of the war were General Washington's services more useful to his country, though in none was he exposed to more carping and censure. The patriots of Pennsylvania deserve high praise, since they had to work in the face of a large body of the disaffected.

## CHAPTER XVIII.

Attempted surprise of Washington's camp—Skirmishing and retreat of the British—Manner in which the Americans were warned—Encampment at Valley Forge—Destitution and distress of the army—Embarrassment of the country—Treaties with France—Lord North's proposition to Franklin—His proposed measures of conciliation—Lord North's propositions circulated in America—Resolutions of Congress—Foraging operations of the British—Narrow escape of Lafayette—Evacuation of Philadelphia—Battle of Monmouth—Arrival of British commissioners—Refusal of Congress to treat with them—Tampering with individuals—Departure of the commissioners—Wyoming—Unadilla—Cherry Valley—British conquest of Georgia and South Carolina—Revolt of the Pennsylvania and Jersey troops—Turn of affairs at the South—The Cowpens—Guilford—Yorktown—Close of the war.

GENERAL WASHINGTON was now (December, 1777) joined by troops from the army which had conquered Burgoyne, and was encamped at Whitemarsh. The British had a chain of posts strongly fortified, from the Delaware to the Schuylkill. On the evening of the 4th of December, the British force marched out of Philadelphia with the intention of surprising Washington in his camp. But at eleven o'clock the British advance found themselves smartly attacked, and were compelled to change their line of march, the attacking party worrying them for several hours, and possessing, apparently, a know-

ledge of the number and intentions of the British while their own force and movements were not understood. Other skirmishes took place during the night, without any other effect than warning the British commander that his intention of a surprise was discovered. The next day the two armies manœuvred in front of each other, neither willing to relinquish the advantage of position. A smart skirmish occurred, but it was on such unfavourable ground that General Washington declined to risk a general engagement. During the evening the intention of the enemy appeared to be to make an attack on the following morning; but on the afternoon of the next day the British force suddenly retreated to Philadelphia, having lost over a hundred men, and suffered the implied defeat of marching out to attack and returning without an engagement. The secret of General Howe's movements is since explained by a fragment of private history. Some of General Howe's staff used a room in the house of William Danack, in Second street below Spruce, for official conference. Lydia, the wife of William, overheard the order read for the surprise of Washington on the night of the 6th, and managed, at the peril of her life, to convey the intelligence to an American officer. She obtained permission to cross the lines to purchase flour at Frankfort, and meeting an American officer whom she knew, communicated to him the

secret. Hence came the unexpected preparation which the British army encountered, and the defeat of the intended surprise.

Some of the more adventurous of Washington's officers strongly advised an attack upon Philadelphia, but such an undertaking was deemed by him too formidable, and even if successful, involving too great a loss of life and property. His military talents were disputed, and intrigue and cabal were resorted to to influence his judgment, or to remove him from the command; but his firmness prevented any yielding on his part, and the affection of his army and the prestige of his high character protected him against faction. He persevered in his wise and cautious policy, and went into winter-quarters at Valley Forge. Here huts were constructed, and all the order of a regular encampment was preserved, except the substitution of log-houses for tents. Here the army throughout the winter endured privations and distress which, under any commander save one to whom they were devotedly attached, like Washington, must have resulted in mutiny. Washington made earnest appeals to Congress in behalf of his troops; and in one of his letters says: "For some days there has been little less than a famine in camp. A part of the army have been a week without any kind of flesh, and the rest three or four days. Naked and starving as they are, we cannot

enough admire the incomparable patience and fidelity of the soldiery, that they have not ere this been excited to mutiny and dispersion. Strong symptoms of discontent have, however, appeared in particular instances."

A large part of the army were absolutely confined to their huts for want of clothing; blankets and straw even were so scarce that men were often compelled to keep themselves warm by the fire through the night. In this state of destitution, the commander-in-chief still managed to keep up such an appearance of strength as to deceive the enemy, and compel him to forage only under strong escorts. But had the British moved out in force, the American army must have been destroyed. Nominally exceeding seventeen thousand men, the effective force in camp was only about five thousand. Four thousand were reported unfit for duty for want of clothes. The hospitals were full, and a violent putrid fever swept off great numbers. The sufferings of the army were somewhat alleviated in February, a committee of Congress having visited the camp, and more energetic measures being taken. The American commissariat laboured under the disadvantage of having only continental paper to offer, while the British paid in gold; and Washington was compelled to the harsh expedient of commanding the seizure of corn and cattle wherever they could be found, giving the

owners certificates for the property taken. He was also active in cutting off the supplies intended for Philadelphia, whenever practicable; and the vigilance and activity of the American scouting parties intercepted a large portion of the provisions destined for the British camp.

It must not be supposed that it was through any indifference of Congress to the state of the service that the condition of the troops became so deplorable. The non-importation agreements which had been entered into, and rigidly enforced before the commencement of hostilities, very much reduced the quantity of manufactured goods in the country, and the war had suspended foreign commerce. The continental currency had depreciated to such a low value that it had almost ceased to be a tender for purchases, and no legislation could give it value while new issues continued and hastened its depreciation. The nominal pay of officers and soldiers bore no proportion to the actual value of the bills; and the finances of the confederation were in a most deplorable condition, while the British officers and agents had abundance of gold and silver at their command. The articles of confederation between the States had not as yet been agreed upon; and we can only wonder that the country was able to keep up any show of union and resistance, rather than be surprised at the inefficiency of the means of defence and aggression.

With the duration of the war, people had become more unanimous in supporting it. Its progress had compromised them beyond the hope of recovery. The measures taken by Great Britain had embittered her former subjects into unrelenting enmity; and even the barbarities of partisan warfare, in which friendships became enmities, and old neighbours and even friends and relatives were embittered, aided to keep up the spirit of war and resistance. Thus, while the sentiment of patriotism had its value with the better class, and with all classes in their better moments, other and more immediate exciting causes were continually in operation.

While the state of affairs was so unfortunate in America, in Europe important events were taking place of a far different and encouraging character. The American commissioners in France had succeeded at last in obtaining a public recognition. In the month of December, 1776, Franklin arrived in Paris, to join Silas Dean and Arthur Lee, who were already there. In February, 1778, a treaty of commerce between France and America was signed in Paris, as also a conditional treaty of alliance, contingent upon the declaration of war against France by Great Britain. Aid had already been obtained informally and indirectly; and the commissioners had built two frigates, one at Amsterdam and one at Nantes. Money had been advanced and

munitions of war shipped to America. The British ministry was of course well aware of all these proceedings, and the negotiations between the commissioners and the French ministry were conducted on the supposition that war must result. Lord North was not inattentive to his old acquaintance, Franklin, and appealed to him by a succession of agents, one after another. These agents offered various propositions, none of which came up to Franklin's knowledge of the requirements and desires of the American people. The effort was made to prevent or to defeat the alliance between France and America. The French court was also appealed to, and all the acts of diplomacy were employed, though without success, to cause jealousy and suspicion between France and America.

Simultaneously with these attempts to treat with the revolted colonies through their commissioners, Lord North brought forward in Parliament two bills, one renouncing on the part of Great Britain any intention to tax America, and the other appointing three commissioners, to act with the two British commanders-in-chief in America, in negotiating with the Americans for the re-establishment of the royal authority. This step of Lord North's, and the accounts which had been received in Paris of the capture of Burgoyne, and the bold and creditable movements of the American army in Jersey and in Pennsyl-

vania, determined the French cabinet, and the American commissioners were apprized of the readiness of the French government to form an alliance. The business was speedily accomplished; and the American commissioners had the high happiness to find their country formally recognised as an independent power.

While the bills of Lord North were still under discussion, draughts of their contents were transmitted to America, and the loyalists were active in circulating them. Congress immediately referred the subject to a committee, whose report, ably dissecting the propositions, was forthwith published, together with the bills, in the newspapers. This report concluded with a resolution, unanimously passed, which declared all who should attempt a separate treaty the enemies of their country; and that no conference should be held with any commissioners till the British armies were withdrawn, or the independence of the United States was acknowledged. Early in May the treaties with France were received, instantly ratified by Congress, and received by the people with transports of joy. Now the cause of independence seemed no longer doubtful. In March the British ambassador was recalled from Paris, which act was equivalent to a declaration of war.

Early in the spring of 1778, the enemy, restive under his state of siege in Philadelphia, began

to make foraging excursions. A large part of Jersey was laid waste, and some unfinished vessels and military stores were destroyed at Bordentown. Washington was not in force successfully to arrest these movements, but General Lafayette was detached with two thousand choice troops to take post near the lines, both as an advance guard for the American army, and to annoy the British rear should the enemy attempt a retreat from Philadelphia, as was now expected. By a change of position in a body of troops, of which Lafayette was unaware, the young general's rear was left unguarded, and he was almost surprised while encamped at Barren Hill. By most skilful and prompt manœuvres, Lafayette retreated in good order.

Sir William Howe, early in June, resigned his command and embarked for England. He was succeeded by Sir Henry Clinton, and thus escaped the mortification of the evacuation of Philadelphia, which the British ministry now directed, as it was not a post tenable against the maritime power of France. On the 18th of June the British army marched out of the city and crossed over to Jersey. They were followed so close by Captain McLane, an active partisan officer, that he managed to cut off and capture thirty-three men, including a captain and a provost-marshal, without the loss of a man. Washington having called in his detachments, and made

all preparations for harassing the march of the retreating foe, crossed over into Jersey, posting himself with his usual caution, so that he might keep the choice of bringing on or of avoiding an action.

The incidents of the retreat through New Jersey belong to the history of that State. Suffice it to say that the march occupied a little over two weeks, and that, including desertions, the British loss was not less than two thousand men. This, however, was better for the royal cause than the loss of the whole army, which would inevitably have taken place if the French fleet had not been delayed by adverse winds to the extraordinary passage of eighty-seven days. The battle of Monmouth, one of the most severely contested during the Revolution, occurred during this march, on an oppressively hot day, the 28th of June. In the early part of the day the advantage was with the British—in the latter part with the Americans. The latter maintained their ground, resting on the field with their arms in their hands; while during the night the enemy retreated, with such silence and skill, that their disappearance was not known till daylight. The American loss in this engagement was about two hundred men, the British a hundred more.

While the retreat from Philadelphia was going forward, the commissioners appointed under Lord North's bill were endeavouring to effect an

arrangement with Congress. The terms offered were such as would have checked the war in its commencement if then offered, being no less than a total abandonment of the pretensions which had led to resistance and ultimate hostilities. And, in addition to this, it was proposed to give the colonies greater commercial privileges than they had ever enjoyed, and a representation in the British Parliament. But the tenders came too late. People were exasperated and distrustful. The colonies were not only pledged to independence to each other, but a separate national existence was the basis of the treaties with France. A passport to visit Congress was refused to the secretary of the commission; and when the commissioners forwarded to Congress a copy of their instructions, and an address in which they proposed a suspension of hostilities, they were briefly answered that no treaty could be entered upon until the British troops were withdrawn or the independence of the United States was acknowledged. While thus unsuccessful with Congress, the commissioners tried their skill and powers of blandishment over individuals. Letters of introduction were brought by one of the members of the commission to Robert Morris, Joseph Reed, and others. To these gentlemen he wrote, urging the expediency of an adjustment of the quarrel, and more than hinting high honours and rewards to those who

should be instrumental in effecting it. These letters were laid before Congress, as was also a statement by Joseph Reed, that a distinct offer of ten thousand pounds, and his choice of any office in the colonies, had been made to him for his services. Reed replied to these overtures, that "he was not worth purchasing; but, such as he was, the King of England was not rich enough to buy him." Resolutions were passed by Congress based on these facts, and declining to hold any further correspondence with the commission, one of whose members at least was guilty of an attempt at bribery. The commissioners replied through the press, and addressed a manifesto to the public, in which, after appealing to sectional and religious prejudices, and to the old national hatred of France, they allowed forty days for submission, and threatened, at the close of that period, that the desolation of the country would be a leading object of the war. Congress caused this document to be published in the papers, with replies official and unofficial. The forty days passed without submission, and the foiled commissioners returned to Europe.

The war on the part of the British now assumed a cruel and wanton character, in keeping with the desolation threatened. New Bedford, Fairhaven, and Egg Harbour were burned, and quarter was refused in some instances to detachments of American troops which were surprised

or overpowered. Indications of Indian warfare at the West betrayed the influence of British emissaries, often American Tories, whose enmity was unappeasable, they having been sufferers and acting under the stimulus of revenge. A party of Indians and Tory refugees fell in July upon the settlement at Wyoming. The settlement had been deprived of its able men by the raising of two companies for the continental army, and the rumours of Indian hostilities had caused a third company to be raised as a local garrison. Before the necessary preparations were complete, Colonel Butler, with a company of Tories and Indians, appeared in the valley. There were two forts, one of which surrendered at once. The company of continental troops marched out to meet the enemy, but were defeated. Driven back, as many as could took refuge in Fort Wyoming, while those who fell into the hands of the Indians were put to death with terrible cruelty. The fort was summoned to surrender, which it did after opportunity had been given for the continental soldiers to escape, since against them the Indians and Tories had a bloodthirsty enmity. Security was promised by Colonel Butler to life and property; but his unmanageable Indians, full of long-cherished hatred, would not be controlled. They burned and destroyed all the property which was destructible, murdered whoever retreated, and the women and

children took refuge from their barbarity in flight. This melancholy event has been made familiar in the verse of one of the most widely-read of modern poets. In retaliation, a Pennsylvania regiment stationed at Schoharie destroyed the settlement of Unadilla, occupied by Tories and Indians, and they in their turn destroyed Cherry Valley, though the garrison held out against the attack.

These events were the last serious traces of war in the limits of Pennsylvania. The scene of warfare was now changed to the southern portion of the confederacy. Georgia was overrun and conquered; and for the first time since the commencement of the war the British rule was re-established in one of the colonies. An abortive attempt to recover Savannah, by the Americans, cost nearly a thousand men, including the brave Pulaski. The French allies bore the larger portion of this loss. Charleston next fell, after several months resistance; Gates's "Northern laurels were changed into Southern willows" at the battle of Camden; the southern army was totally dispersed, and South Carolina was claimed as a conquered state. No sign of resistance now remained except in partisan warfare, in which bands of loyalists and republicans pursued each other in all the fury of fraternal hate. Next came the treachery of Arnold, happily frustrated, but still shaking the public confidence in a man-

ner in which it had never before been so deeply disturbed.

The year 1781 opened with prospects gloomy indeed. The Pennsylvania line, in their winter-quarters at Morristown, New Jersey, broke out into open revolt. They were enlisted for three years *and* the war, and insisted that the terms were three years *or* the war; their construction of the terms of enlistment giving them the right to demand their discharge, which they did demand. They left the encampment, having killed an officer who attempted to restrain them, and marched toward Princeton. General Wayne, with wise prudence, sent provisions after them to prevent their plundering the people for a subsistence, and himself followed and endeavoured to control them. This he was able in some degree to do, not by his authority as an officer, which was no longer heeded, but by his great personal popularity. But amid their exasperation they did not forget their loyalty to their country. British emissaries who ventured among them with proposals to desert the American cause were arrested by them and detained. President Reed, of Pennsylvania, met them at Princeton, and acted as mediator between the revolted troops and a committee of Congress. They were offered and accepted an immediate supply of clothing, certificates for their arrears of pay, and a discharge of such as would make

oath that by the terms of enlistment they were entitled to it. Nearly all were thus discharged, and the luckless British emissaries, being given up by the soldiers, were tried by court-martial and hung as spies. The New Jersey line, following the evil example, were urged by a committee of the legislature of the state to return to their duty. The greater number refused, and Washington, fearful of the contagion of the revolt, overwhelmed the whole line by a superior force. Three of the ringleaders were tried by court-martial, and sentenced to death. One was reprieved, and the others were shot on the field, the executioners being drawn from their own companies. In a few months the Pennsylvania line was nearly up to its old standard of numbers by new recruits.

Affairs in the South began to wear a better aspect. Arnold ravaged Virginia, but Morgan and Greene in the South began to rally the Whigs. The victory over Tarleton at "the Cowpens," gained by Morgan, the rapid evolutions of the American army, the hardly-contested field of Guilford Court House, and the bold dash at South Carolina which Greene made, demonstrated that proclamations and appointments of royal officers could not re-establish the British rule. While Greene pushed to the South, Cornwallis advanced into Virginia. Greene recovered nearly the whole of South Carolina. A melan-

choly and ferocious aspect was given to the war in the South by the rule adopted by the British of shooting such as had once taken the royal protection, and afterward were found in arms against them. Colonel Hayne, a distinguished citizen of Charleston, was the victim of this cruel and impolitic course, and great excitement was created by it. Retaliatory executions took place and the partisan troops were exasperated to new cruelties.

Cornwallis joined the British forces in Virginia under Phillips, and after a variety of marches, watched by Lafayette and Wayne, established his head-quarters at Yorktown and Gloucester. Here he removed his whole force in July, having destroyed property to the value of ten or twelve millions of dollars; and here, in September, he capitulated to the combined American and French armies, seven thousand men surrendering themselves as prisoners of war. Wilmington, North Carolina, was next evacuated by the British. In January, 1782, Greene, with reinforcements from Virginia, shut up the enemy in Charleston. In July, Augusta was evacuated, and in December, Charleston. Active operations had been for some time suspended between the main armies, as negotiations for peace were understood to be in progress. In April a cessation of hostilities was proclaimed. On the 3d of September the treaty was ratified;

and on the 2d of November orders were issued to disband the army. A small force was still retained, and this had the honour, on the 25th of November, 1783, to take possession of New York, evacuated by the British.

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## CHAPTER XIX.

Treason trials—Benedict Arnold—President Reed—Difficulties of his position—Philadelphia benevolence—The Wilson riot—Extinguishment of the Penn titles—Gradual abolition of slavery—Articles of confederation—Difficulties of government—State of the public mind—Discontent in the army—Noble conduct of the disbanded troops—Emeute in Philadelphia—Military heroes—Franklin—Morris—Bank of North America—Indian difficulties

THE state government of Pennsylvania and the Continental Congress returned to Philadelphia when the British evacuated that city. Most of those persons notoriously in the British interest retired with the army. Among them was Galloway, prominent in the provincial history of Pennsylvania, who had joined the British in New Jersey, and came with them on their entrance into the city. He went shortly afterward to England, and remained there until his death in 1803. Others not so wise, or not so far committed, remained, and some thirty bills of indictment were found against them under the law

of the state against treason. Twenty-three were tried and acquitted; two, John Roberts and Abraham Carlisle, were convicted and executed. Party feeling ran to a bitter pitch of exasperation, which was greatly increased by this sternness and rigour, and the effects of it undoubtedly embarrassed the government of Pennsylvania for many years. Every effort was made to save these men from the extreme sentence of the law. Joseph Reed, who had been employed to assist the attorney-general in the prosecution, used his influence, but in vain. The executive council refused to intèrfere; and the two men suffered the extreme penalty on the commons, near Philadelphia, on the 4th of November, 1778. These were the only executions for treason which ever took place in Pennsylvania. One other person had been executed by the civil authorities as a spy.

When Benedict Arnold was appointed to the military command in Philadelphia, his peculations and evident Tory predilections subjected him to suspicion and complaint. Joseph Reed, who had now succeeded to the office of president of the executive council, was among those who detected and exposed his mal-practices, though no one supposed, as was the fact, that the traitor was even then engaged in correspondence with the enemy. His conduct was represented to Congress, and a court-martial was ordered.

Acquitted of the more serious charges, he was found guilty on two minor points, and reprimanded. While he remained in Philadelphia he was a source of great annoyance to the authorities, and when at length he was removed to West Point his conduct there more than vindicated the suspicions of Governor Reed and his friends. Governor Reed held his troublesome office for three years. During a portion of that time he was invested with dictatorial powers by the legislature, a departure from the constitution which the exigencies of the times only could warrant. He performed the delicate trust with firmness and energy, and yet with discretion. The friend and correspondent of Washington, he continually pressed upon the legislature the necessities of the continental forces, and enforced upon the people the need of co-operation, himself taking the field at the head of the militia when danger menaced. The absolute authority conferred upon him was at the instance of Washington and of Lafayette, whose letters Governor Reed communicated to the assembly. Pennsylvania was strongly appealed to, and her Whigs nobly responded. Her legislature was ever prompt, and well seconded by the executive; and the thanks of Congress were formally tendered. But though better able to give assistance to the common cause than any other state, the Pennsylvania government had to contend with a large party

of the cold, the non-combatant, and the disaffected; and the peculiar and heterogeneous character of the population of the state made strong measures necessary to wring from the unwilling their share of the public burden. The contests in which the province had always been engaged with the proprietaries had educated the people in all the manœuvres of party tactics, an experience which rendered them troublesome citizens under the new order of things. We find, nevertheless, that of the continental troops engaged during the war, Pennsylvania furnished nearly twenty-six thousand, only three states furnishing more; and the Pennsylvania troops were second to none, and superior to most, in the comfort of their clothing and equipments. The liberality of the Whigs of Pennsylvania was further shown in voluntary contributions at various times, and particularly in that period of great distress and darkness, the spring of 1780, when the ladies of Philadelphia city and county contributed three hundred thousand dollars in paper currency, equivalent to about eight thousand dollars in specie, for the purchase of clothing for the destitute troops. New Jersey and Maryland contributed generously at the instance of the same benevolent individuals; and to make the purchase more available, a good proportion of the materials procured were made up by the ladies themselves, to save the expenditure of

money for labour. The subsistence of a large army among a people, all of whom were not disposed to aid, made the burden still heavier upon the patriotic; and we need not wonder that this support required in some cases to be almost forced from reluctant farmers. Nor need we be surprised that the exasperation of parties, and the arts of the designing, fomented occasional disturbance. Of this nature was an attack by the militia upon the house of James Wilson, one of the signers of the Declaration, in October, 1779. He was an able lawyer, and as such had defended those indicted for treason, and was therefore accused of friendship for the Tories. The house was assaulted by an armed mob. Several of Mr. Wilson's friends were with him, and resisted the attack. Two persons were killed, and several wounded in the affray. President Reed, seconded by the citizens, suppressed the tumult; but it was several days before peace was restored, and then only by conciliatory measures. At its next session the legislature passed an act of oblivion, at the instance of the executive council, and the actions commenced against the parties were dropped.

Among the most important acts of the legislature during President Reed's administration was the passage of an act, in 1779, divesting the Penns of all the proprietary rights except such as could be considered private property. Their

manors were secured to them, but the quit-rents and pre-emption rights were abolished, and in compensation therefor, one hundred and thirty thousand pounds was promised and paid. Great Britain also conferred an annuity of four thousand pounds upon the Penns. These were rather better terms than the founder proposed to the British government, and was prevented by his failing health from consummating.

In 1780, an act was passed forbidding the further introduction of slaves into Pennsylvania, and declaring all persons free, born in the state after the date of the act. The number of slaves at that time in the commonwealth was estimated at six thousand, and of these there are not now probably more than six representatives, and those are aged pensioners on charity. The originator of the measure was George Bryan, a prominent actor in Revolutionary scenes, who died in 1791, and whose tombstone in the Arch street Presbyterian burial-ground, Philadelphia, bears the record of the fact. He was the author of the bill substantially as it now stands on the statute book. The German settlers in Pennsylvania were the first to put on record their disapproval of slavery at a very early date. The Friends followed them with their public testimony, and few members of this Society held slaves. While under the government of Great Britain, more than one attempt of the provincial

legislature to get rid of the system was frustrated by the predominant selfish mercantile interest which ruled the councils of Great Britain in her provincial affairs.

In 1781, the articles of confederation, having been five years under debate in Congress and the state legislatures, were finally ratified. The terms of this confederation belong rather to the history of the United States than to that of Pennsylvania; and it is sufficient here to say, that the confederation compact proved rather a clog upon the operations of government than a benefit. The spur of danger was now over; for in this year, on a fine night in October, the good people of Philadelphia were awakened by the watchman's proclamation of clearer skies than the desponding had dared to hope for. "Past twelve o'clock, and Cornwallis is taken!" was the formula in which the happy night custodians announced to the sleeping city the intelligence of which they had become first possessed by reason of their vigils. The war was virtually at an end.

The difficulties of government were, however, greater than ever. In the beginning of the war, when patriotism and excitement nerved the national arm and the credit of the Congress and of the states was good, when hope pointed to a speedy termination of the contest, and enthusiasm magnified the fruits of victory, to conduct these



vigorous moral and physical forces was comparatively easy. Now the country was wasted by a long struggle, and the fruits of the victory seemed insignificant because, as yet, hardly appreciable. The men who appeared the most prosperous in the community were those whose patriotism had lain silent till the issue became tolerably certain; and who, having husbanded their strength in the contest, or spared exertion altogether, now came in fresh to aid in sharing the benefits, whatever they might be. Large fortunes were amassed by some of these quasi patriots, while others of them preserved their estates entire. Those who had impoverished themselves and expended time and health in the cause of their country, could but look with natural disgust upon the suddenly developed zeal of such fair-weather patriots; and at no time in the history of the struggle were want of union, abundance of party bitterness, and a lamentable lack of public spirit so apparent as at this time, to which jubilant anniversary orations so frequently refer as the "bright dawn of morning." It was a gray dawn after a dreadful night; and the nation awoke, not as a giant refreshed, but as one after frightful and terrible dreams suffers the weary day to grow upon him, uncertain what new labour or calamity it may impose. Those who have studied the correspondence of this period, can appreciate the doubts and fears of

even the most sanguine; while others, less hopeful, (and who can wonder?) declared openly their disbelief in the capacity of a people to govern themselves.

The army was in arrear of its pay, and actually suffering inconvenience if not absolute distress. The prospect of peace opened little hope for them, for rank and file saw nothing but poverty before them at the close of the war; and, it was plausibly argued, if, while in arms, and necessary for the protection of the country, justice was denied them, what could they expect when the need for soldiers against a foreign enemy was past, and the army was disbanded? They imagined that they saw already in the public mind a hostility to their interests; and there was undoubtedly a strong public sentiment against even the semblance of a standing army. The promise of half-pay to the officers which Congress had reluctantly given added to the popular discontent; and the officers who perceived it memorialized Congress with a proposition to commute the half-pay for a gross sum. Pending these proceedings the tidings of the signing of the treaty of peace reached the country, and the uneasiness of the officers of the army at their position was increased. An eloquently written address was circulated among them, inviting a meeting to consider grievances. General Washington, with characteristic wisdom, set aside this

irregular proceeding by calling, in General Orders, a meeting under his own sanction, at which he was present, and in a judicious address appealed to the patriotism of the gentlemen assembled. It was enough. They had been the dupes to a certain degree of selfish men, who would profit by extreme measures without sharing with the army the odium or the responsibility. They flung away the impeachment of their honour, and in a series of resolutions, unanimously adopted, declared unshaken confidence in Congress and their country, and denounced the "infamous proposals" of the anonymous appeal. In the same resolutions they recognised the correctness of an opinion which Washington had expressed, by requesting the speedy action of Congress, that "any further machinations of designing men to sow discord between the civil and military powers of the United States" might be prevented. Congress complied, so far as promises could go; and during the year the army was disbanded, the officers with five years' pay, the soldiers with their arms and accoutrements as a bounty. But the pay was in treasury notes and certificates; and, for the first time in the history of the world, a victorious force was disbanded with their arms in their hands and their arrears of pay unsettled—and no serious outbreak, outrage, or damage occurred. This was

a moral triumph far exceeding all the victories of the Revolution.

There was, it is true, an emeute in Philadelphia. Some eighty mutineers, new levies from Lancaster, marched to Philadelphia without their officers, and being joined by some of the troops in barracks, surrounded the State House, in which Congress and the Pennsylvania council were in session. They demanded of the executive council immediate payment of their dues, and threatened, if their demands were not complied with in twenty minutes, to inflict the vengeance of an enraged soldiery. After consultation with the executive council, Congress separated, adjourning to meet in Princeton. John Dickinson was at this time president of Pennsylvania, and lacked the nerve necessary for such an emergency. Probably it was as well that no violent measures were attempted. Washington despatched fifteen hundred men to Philadelphia. The revolt was quieted before the detachment arrived, but the troops proceeded to arrest several of the ringleaders, who were tried by court-martial and sentenced to be executed—a sentence which was never carried into effect. General Washington, in a letter to the president of congress, while strongly reprehending the conduct of these mutineers, says: “It cannot be imputed to or reflect dishonour on the army at large; but, on the contrary, it will, by the

striking contrast it exhibits, hold up to public view the other troops in the most advantageous point of light; the veterans who have patiently endured hunger, nakedness, and cold, who have suffered and bled without a murmur, and who, with perfect good order, have retired to their homes without a settlement of their accounts or a farthing of money in their pockets."

Even for these mutineers there is some apology in the severity of their poverty, and the influences of interested persons who were not unwilling to terrify Congress. And there is much allowance to be made for men, the terms of whose enlistment were a denial of the fealty and subordination in which they were born. Revolutions seldom terminate so quietly as did that of America; since the very act under which a "rebel" army is organized is a precedent for rebellions upon a smaller scale. Soldiers cannot be good casuists. And the Union owes enough to Pennsylvania to overlook much. Her Reed, as an energetic chief magistrate and self-sacrificing patriot, incurred contemporary obloquy in the cause he supported from which even Washington might have shrunk, and descended to the grave at an early age, worn out in the conflict. The history of the gallant Wayne is the history of the war. Mifflin and Armstrong, the Cadwaladers, Irvine, St. Clair, Magaw, Tilghman,

and many others, carried proudly the honours of their state through the martial struggle.

And when we turn to the civil department, we are met with the name of Franklin, her adopted son, whose services were second to very few, if to more than one. Others whose labours were prominent and serviceable we are compelled to omit, not from a lack of appreciation, but simply from want of space. But at the hazard of repeating what has been in substance said before, we must remind the reader that the Pennsylvania patriots, more than any other, had to struggle with domestic opponents and interests as well as with the foreign foe. If in New York the British influence was greater, which admits of question, it was more successful also.

The history of Pennsylvania were incomplete if we should pass over the name of Robert Morris. The principal financier of the Revolution, he conferred services upon his country as important in their sphere as those rendered by any other of the men of those days. The Revolution found him a wealthy and prosperous merchant, the partner of Thomas Willing. He united in the acts of resistance prior to the Revolution, and was a member of Congress, and an active participant in public duties through the whole period of the war. With George Clymer and others he instituted a bank by subscription, in 1780, the main object of which was to supply

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the army with provisions. In 1781, he was appointed by Congress minister of finance, and retained this post until 1784, pledging his private credit to enormous amounts, and commanding by his unshaken confidence in the issue of the contest the confidence of others. As one of the first acts of his financial administration, he procured the charter by Congress, in 1781, of the Bank of North America. Its notes were payable in specie on demand, the first American bank with such a basis. This bank was afterward chartered by the state; then, by a change of parties in 1785, its charter was repealed, and again, by another change, re-enacted. The difficulties this servant of the public encountered, and the length to which he strained his credit, are almost incredible. He issued his own notes for the service of the army at one time to the amount of a million and a half! The service he rendered in the relief of Congress and the army, in the restoration of public and private credit and confidence, and in the excellent contagion of a good example, is incalculable. Yet he, like others, suffered the penalty of distinguished public service in contemporary reproach: the necessary consequence of that decision of character which prompts to bold action, and refuses to give up individuality in obedience to popular clamour. Posterity renders him justice; and the modern reader cannot forbear a sigh as he

learns that the financier who carried a nation through such difficulties, fell under his own private speculations at last; and that he who conquered the arms of Great Britain, by supplying the sinews of war, was himself a prisoner for debt in his old age. He was ruined by heavy land speculations, and died in 1806, a poverty-stricken old man amid the rising wealth of the Republic whose independence he had asserted, and whose institutions he aided to found.

Little of note remains for us to speak of under the "old constitution." Moore, John Dickinson, Benjamin Franklin, and Thomas Mifflin, were successively presidents after Reed, each holding office one year, except Franklin, who was three years in the office. The two great parties, "Constitutionalists" and "Anti-Constitutionalists," found no lack of matters for dispute, but in this undeveloped period of the state government there is nothing to detain the general reader. The unsatisfactory state of relations with the western Indians made that part of Pennsylvania west of the Alleghanies uninhabitable, until in 1795, before the victorious arms of Wayne, the Indians relinquished their claims to the greater part of Ohio and relieved Pennsylvania and Kentucky from further incursions. The British retained frontier posts within the north-western limits of the United States until that date, and relinquished them under the

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treaty of commerce negotiated by Jay. But they were retained long enough, further to im-bitter the American woodsmen against England, and nearly to compromise the two nations more than once.

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## CHAPTER XX.

Federal convention proposed—Adoption of a constitution for the United States—New constitution of Pennsylvania—Subsequent amendments—Political history of Pennsylvania—Democratic character of the people—Whisky insurrection—House-tax difficulties—Common school law—Internal improvements—Financial embarrassments—Integrity of the Pennsylvania legislators—Financial condition of the state—Coal trade—Iron, and other manufactures—Philadelphia—Its original extent—Present dimensions—Seat of government removed to Harrisburg—Conclusion.

IN September, 1786, a convention of delegates met at Annapolis, at the invitation of the State of Virginia, to take into consideration the subject of revenue from duties and commerce generally. Only five States were represented and the convention perfected no business, except to recommend a convention of delegates from all the states to meet at Philadelphia in the month of May, to consider the Articles of Confederation, and propose such changes in them as the exigencies of the Union required. This proposal was endorsed by Congress, and acceded to by all

the States except Rhode Island and New Hampshire. The convention met accordingly. Rhode Island sent no delegates, and those from New Hampshire did not take their seats till the work of the convention, after many warm discussions was nearly done. Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimons, Jared Ingersoll, James Wilson, and Gouverneur Morris were the Pennsylvania delegates. John Dickinson, prominent in Pennsylvania annals, was present from Delaware. No body of men ever assembled in this country has exceeded this in point of talent and high-toned political morality; and if, as has been asserted, the conservative element was predominant, and the general sentiment of the members was less democratic than is now the popular tone, this was a benefit rather than a disadvantage. Construction and interpretation have given the instrument which they framed latitude enough; and no sincere patriot would desire now to change it in any of its essential features. If in some particulars it is open to censure, we can only wonder that those points are so few, and that a compromise of sectional interest and differing opinions could produce so admirable a "frame of government." We are to remember, in our estimate of its character, the temper of the times and the facts of the era. The very authority under which it was prepared was a

doubtful stretch of the powers of the delegates. Nothing but the personal esteem in which Washington, who was its president, was held, and the weight and influence of the members as a body, could have prevailed upon the people to adopt and put in force a system which corrected the evils of a long war by a strong government, purchased future greatness at the expense of immediate sacrifices, and trenched upon the doctrine of state and popular sovereignty which the battles of the Revolution had been fought to establish. Revolutions unsettle commercial ethics—the Federal government brought order out of chaos, and its establishment was the last and greatest victory of the young republic. All honour to its founders! And all honour to the people who endorsed their labours with just hesitation enough to show a due appreciation of the obligations they thereby assumed.

Little Delaware was the first State to adopt the constitution. Pennsylvania followed; and the other States came in, some unqualifiedly, others with proposed amendments, a portion of which were adopted. None of these amendments changed the character of the original instrument in any important particular, except that experience having demonstrated the liability of a State to be summoned before the judiciary of the Union, an amendment was made to protect State sovereignty in this respect.

Pennsylvania soon found it expedient to change her constitution, and make it more in accordance with the ruling republican sentiment, discarding the old machinery retained from the proprietary government, which stood in somewhat anomalous contrast with republican usages. By the new constitution, adopted in 1790, a Senate was added to the legislature, and the executive power was vested in a governor, elected annually, and eligible only for nine years out of twelve. Suffrage was free in effect to all white males over one-and-twenty. Judges of the higher courts held their offices during good behaviour. The patronage of the governor was enormous, and was more than once the occasion of violent political excitement, and always open to the objection of giving opportunity for the exercise of an undue influence. In 1838, a new constitution was adopted, by which the executive patronage was very much abridged. The governor can serve but six years out of nine. Many officers hitherto appointed are now elective. The constitution of 1838 limited the tenure of judges to fifteen, ten, and five years; but this has again been changed. A provision in the present constitution makes it open to the addition of amendments without the call of a convention. An amendment passed by one legislature, affirmed by a succeeding one, and afterward approved by a direct vote of the people becomes

a part of the constitution. The only amendment thus passed was perfected by a vote of the people in 1850, and by this the judiciary is made elective.

The influence of Pennsylvania has always been powerful in the course of national policy, whether we consider it as exercised by her representation in the legislature, or as indicated by the expression of her popular voice. She ranged with the War States in 1812. Her volunteers and their commanders were among the most brave and efficient in the war with Mexico. But in neither did actual hostilities or operations take place within her territory, if we except the preparations of Perry at Erie, which were covered by a regiment of Pennsylvania militia. Even this "speck of war" was not within the original boundaries of the state. The Erie triangle was purchased of the general government in 1792.

The political history of Pennsylvania, from the adoption of the first State constitution to the present time, is an instructive study for the philosophical observer of the principles of government and the source of political power. Our limits forbid entering upon it, nor would such a discussion be generally acceptable. In a few general observations, we briefly sum the subject. The spirit of the people has always been intensely—perhaps we may say *individually* democratic. By this, we mean, that particularly with the un-

educated, and with the class-educated, or rigid disciples of sects and systems, the idea of government by the people, is that of such a government as makes not the people only, but each individual man, sovereign; and the Pennsylvania multitude has ever been ready to rebel against any government or power which requires any sacrifice of one man or one class for the many. The early Quakers resisted even William Penn. The Paxton boys undertook to assume the care of the whole Indian relations. The people struggled with the proprietaries. The revolutionary party ruled with a strong arm, and the government enforced obedience, even to the length of executions for treason. The minority stoutly resisted; and the right of a minority to resist seems to have been always a part of the popular creed. After the establishment of the Federal government, the farmers in the far western counties, who had in fact no market for their grain but that offered by the distillers, saw in the excise a grievous oppression. The Western rivers were not open. Conveyance of corn in bulk to the East was impossible; and corn, in its mischievous essence, was almost the sole article of commercial exchange. Thus arose the bloodless whisky insurrection of 1790. The rebellion against the house-tax in 1799, and some other difficulties purely domestic, including even the later riots in Philadelphia, which resulted in the burning

of public buildings and churches, have arisen from the assumptions of the ignorant to liberty running into licentiousness, fomented by the better informed but unscrupulous.

The conservative element has gradually given way before these demonstrations, until, in law and in practice, Pennsylvania has become more and more democratic in practice and in theory. The power now held by the people would have terrified the most ultra of revolutionists in 1775; and if held by them at that time would have been ruinous. But while the conservative interest has resisted innovation, and the people have broken out in violence, while furious party spirit has perverted justice temporarily, and even made victims of the innocent, and elevated the guilty into suffering martyrs, the ferment has evolved good. The people have increased in intelligence. The passage of the common school law, twenty years ago, in pursuance of the principles laid down by Penn, and affirmed in the constitution of 1790, has already done great good; and the political discussions which have been protracted from the time of the proprietaries till now, have, of themselves, been a school for freemen—a school in which many bad pupils deserved punishment and received it, as much to the profit of others as to their own chagrin and discomfort. No colony had a more heterogeneous population than Pennsylvania. The cauldron has seethed

with no little vehemence; the subsidence of the froth and fury leaves a most excellent and practicable consistence. The staid humanity and quiet firmness of the Quaker, the fiery activity of the Irish Presbyterians, the patient industry of the Germans, the conservative character of the English Churchmen, (evident in Philadelphia if not in the interior,) the restless spirit of the New Englanders, these form the principal ingredients of Pennsylvania character. Each class had its virtues, and each its faults, and each, without exception, had that inevitable consequence of collision with others—bigotry. In the contradictory composition of man, let us theorize as we may, the firm adherence to one's convictions, is the only assurance of usefulness; and though this degenerate to harshness, it is still one of those failings which "leans to virtue's side." Education and true religion correct its acrimony; but without the elements which cause danger of political and religious bigotry, no people ever were capable of reaching a high position, politically or morally.

One idea, seldom noted by historians, but nevertheless evident, William Penn impressed upon the character of this government; and though at war with radical theories it still has its influence. As the proprietor and patron he held it a duty to employ the power of government in the conferring of positive benefits, as

well as in the restriction of evil. Even William Penn speculated in theory on great public improvements. As early as 1790 the subject of internal improvements took the attention of the Legislature, and reports were made in favour of various canals and river improvements. The building of roads and bridges received the encouragement and direct aid of the legislature. The first turnpike in the United States, that from Philadelphia to Lancaster, was completed in 1794 at an expense of \$465,000. The substantial stone bridges of the State are in wonderful strength and preservation, among the best in the world. In the whole State there are 2000 miles of turnpike—now partially obsolete, but still convenient. The whole cost of the turnpikes, railways, canals, and bridges in Pennsylvania, exceeds one hundred millions of dollars. The turnpike excitement culminated in 1815, and soon after gave way before the era of canals, and that in turn was succeeded by railroads.

Until 1821 these enterprises were conducted by private companies, aided by subscriptions on the part of the State. From these the dividends received have been little or nothing. In 1824, the State was first committed to the plan of internal improvements, by the appointment of a board of commissioners of survey; and in 1825 a similar board was appointed for further explorations. In 1827, active operations were com-

menced, and from that date to 1836 annual appropriations were made and loans contracted. The credit of the State at the commencement was unlimited, money was abundant, and no difficulty was experienced except in obtaining the votes of counties not directly in the route of the main lines of improvements. But these votes were secured by pushing the improvements into every practicable corner, and in some cases by sacrificing the direct and most practicable route in order by a sinuous path to command more interest. The Gettysburg railroad, upon which no rails have been laid, is a curious instance of this policy. In 1836 this policy of lavish expenditure was checked. The people became alarmed at the increase of the State debt and the unproductiveness of a great part of the improvements. The operations since have been continued only on routes which promised immediate advantage from completion. Commonwealths which undertake business are not exempt from the ordinary laws of trade. While a concern is solvent retrenchment may prevent embarrassment, but in a non-productive enterprise the very retrenchment which necessity imposes hastens the catastrophe. The general commercial distress of 1837 and the years following added to the difficulty, and in 1842 the great and rich State of Pennsylvania was unable to pay the interest on her debt. This difficulty was met by the issue of

interest certificates and the contraction of new loans; and though for two or three years the State of Pennsylvania exposed her creditors to some delay and inconvenience, she has paid or guaranteed all her liabilities. Her public financiers never applied the "sponge" or "scaled" the public debt. Her paper issues during the Revolution were called in and funded at the value expressed on their face; and never in her whole history, as colony or State, has the commonwealth refused to acknowledge or neglected to provide for her indebtedness. Indeed the presumption is strongly the other way; and the shame of embarrassment has sometimes operated to the admission of full demands, which with money in hand she might have sternly questioned.

The funded debt of the State as appears from the report of the auditor-general, made at the commencement of the present year, (1854,) is \$40,367,332. The total cost of the State internal improvements was \$32,542,267. Of this sum nearly nine millions, expended for works which remain unfinished, were transferred to private companies or are abandoned. The total revenue from the completed works from the beginning has been \$25,342,020. The total of expenditures to keep them in operation has been \$19,499,857. This seems to leave a small balance to the credit of the works; but add to the debtor side the interest which has been paid on

loans directly or indirectly pertaining to the State improvements—\$35,157,796,—we find about twenty millions are to be added to the original cost as the expense of keeping the works in operation.

Still, under the maxim of Penn, before referred to, the State is a garner. Without her improvements, Pennsylvania could not have risen from a population of 434,373 in 1790, to 2,311,786 in 1850. Her coal trade began in 1810, with the offer of a few wagon-loads in Philadelphia, the seller of which had to make his escape from the city to avoid prosecution as a swindler! In 1820, the quantity of three hundred and sixty-five tons was disposed of. The annual sale now amounts to over five millions. The cost of the railroads and canals by which the coal finds a market, finished and contemplated, belonging to the state and to corporations, is about fifty millions of dollars. To private enterprise the State gave the first sensible impetus; for before the State engaged in the work, and coal came into use, canal attempts languished. The first railroad of any length put in operation in the United States was the Philadelphia and Columbia, completed in 1834 by the State of Pennsylvania.

The value of the iron and coal and the agricultural products of this great State is enormous. Her iron, in the heavier products in 1850,

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amounted to over twenty millions. Her capital in farming utensils and live stock, on about nine millions of acres of improved land, is about fifty millions of dollars, exclusive of the value of the land. Her wheat crop is about sixteen millions of bushels, and her corn nearly twenty. Too much of the latter goes to the still, but we are glad to find the figure annually decreasing. Her cotton and woollen manufactures, in 1850, amounted to about eleven millions. Such are a few of the leading products—but the hum of industry all over the State turns out much more than the above estimated sums, on all the various products of this country. These estimates, of course, must be varied as trade fluctuates, and sometimes one interest flags and sometimes another. We close these imperfect statistics—designed rather to give a general idea than a close estimate—with the fact that the railroads of Pennsylvania, through which its trade finds vent, exceed in extent thirteen hundred miles, including those now in process of construction. She has also over one thousand miles of canals. If the public has been heavily taxed to produce these great results, the State would still be gainer in the increased value of property though the past expense were never directly repaid. The last great work was the connection of Philadelphia and Pittsburg, at a cost, by private and municipal subscriptions, of about twenty millions.

A few words of Philadelphia and we have done. The city of Penn, originally a strip two miles wide, extending across from the Delaware to the Schuylkill, has been extended, by the act of the legislature (1854) to embrace the whole county, including an area of one hundred and twenty square miles, and a population of half a million. In commerce and manufactures she is daily advancing with rapid strides; and if her direct foreign trade is small, her coastwise and canal arrivals are over thirty-five thousand annually. Her past history is identified with that of the State and of the United States. For ten years after the adoption of the Federal constitution she was the political centre of the United States, and until the commercial distress of 1837 its financial centre. About that time the vigorous arm of the executive broke up a central financial power, which it was alleged was becoming too strong for the government. He was sustained by the people. The immediate effects of the measure were distressing—the result has proved as salutary as the discipline was severe.

In 1800, the seat of the state government was removed to Lancaster, and in 1812 thence to Harrisburg. Philadelphia gained by her loss in this respect; for the interior jealousy of the “Proprietary City,” which long outlasted the change of government, was thus removed. Like

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many other public servants, Philadelphia has suffered rebuke as the reward of her usefulness. Generous and public spirited, but sedate with the honours of past pre-eminence, for a series of years she was like a fading belle living on the incense of past admiration. Now her claims are placed on more substantial grounds. Her merits and her excellence are acknowledged; the yeomanry of the state, with no further cause of financial or political jealousy, rejoice in her prosperity; her excellent institutions are cherished, and the people of Pennsylvania are proud of their chief city. Her merchants are princes. And in the Girard College and other noble institutions, the men of the past have connected their memories with William Penn; while the men of the present, in building up Philadelphia, are adding to the pile, which is a nobler monument to William Penn than any Alexandria, Constantinople, or pyramidal structure of antiquity to its despotic builder.

THE END.











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